

FEDERAL REGISTER

VOLUME 12

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Washington, Tuesday, December 2, 1947

TITLE 3—THE PRESIDENT

PROCLAMATION 2757

TERMINATING THE SUSPENSION OF TITLE II OF THE SUGAR ACT OF 1937

BY THE PRESIDENT OF THE UNITED STATES OF
AMERICA
A PROCLAMATION

WHEREAS section 509 of the Sugar Act of 1937 (50 Stat. 916) provides, in part:

"Whenever the President finds and proclaims that a national economic or other emergency exists with respect to sugar or liquid sugar, he shall by proclamation suspend the operation of title II or III above, which he determines on the basis of such findings, should be suspended, and, thereafter, the operation of any such title shall continue in suspense until the President finds and proclaims that the facts which occasioned such suspension no longer exist."

AND WHEREAS by proclamation issued April 13, 1942 (7 F. R. 2826) the President found and proclaimed that a national economic emergency existed with respect to sugar and suspended the operation of Title II of that Act:

NOW THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of the Sugar Act of 1937, do hereby find and proclaim that the facts which occasioned such suspension no longer exist, and do hereby terminate such suspension of the operation of Title II of that Act.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 28th day of November in the year of our Lord one thousand nine hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 47-10617; Filed, Nov. 28, 1947;
4:05 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LISTS OF POSITIONS EXCEPTED; WAR DEPARTMENT

Under authority of § 6.1 (a) of Executive Order 9330, the Commission has determined that the position of military secretary to the Superintendent of the United States Military Academy be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, subdivision (viii) of § 6.4 (a) (4) is therefore amended to read as follows:

§ 6.4 Lists of positions excepted from the competitive service—(a) Schedule A. * * *

(4) War Department. * * *

(viii) Civilian professors, instructors, teachers (except teachers at the Children's School), hostesses, chapel organist and choirmaster, librarian when filled by an officer of the Regular Army retired from active service, and military secretary to the Superintendent at the United States Military Academy, West Point, New York, when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(Sec. 6.1 (a) E. O. 9330, Feb. 24, 1947, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE
COMMISSION,

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-10538; Filed, Dec. 1, 1947;
8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

UNITED STATES STANDARDS FOR FRUIT JELLY

On August 13, 1947, notice of proposed rule making was published in the FEDERAL REGISTER (Continued on p. C013)

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REGISTER (12 F. R. 5488) regarding the issuance of United States Standards for Grades of Fruit Jelly.¹ After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Fruit Jelly are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1948 (Pub. Law 266, 80th Cong., 1st Sess., approved July 30, 1947)

§ 52.323 *Fruit jelly*—(a) *Identity*. "Fruit jelly" means fruit jelly as defined in the definitions and standards of identity for fruit jelly (21 CFR Cum. Supp., 29.5) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(1) Compliance with the standard of identity to establish the ingredients or proportion of ingredients will be indicated on Federal inspection certificates only when these conditions are ascertained during the process of manufacture.

(2) The soluble solids for fruit jelly are not less than 65 percent.

(b) *Types of fruit jelly*—(1) *Type I*. Prepared from a single variety of fruit juice ingredient.

(2) *Type II*. Prepared from a mixture of two or more varieties of fruit juice ingredients.

(c) *Kinds of fruit jelly*.

Apple.	Greengage, green-
Apricot.	gauge plum.
Blackberry (other	Guava.
than dewberry).	Loganberry.
Black raspberry.	Orange.
Boysenberry.	Peach.
Cherry.	Pineapple.
Crabapple.	Plum (other than
Cranberry.	damsion, green-
Damsion, damsion	gauge, and prune).
plum.	Pomegranate.
Dewberry (other	Quince.
than boysenberry,	Raspberry, red rasp-
loganberry, and	berry.
youngberry).	Red currant, currant
Fig.	(other than black
Gooseberry.	currant).
Grape.	Strawberry.
Grapefruit.	Youngberry.

(d) *Grades of fruit jelly*. (1) "U. S. Grade A" or "U. S. Fancy" is the quality of fruit jelly that possesses a good consistency possesses a bright typical color;

is free from defects; possesses a distinct and normal flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of fruit jelly that possesses a reasonably good consistency; possesses a reasonably bright, typical color; is free from defects; possesses a reasonably good and normal flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of fruit jelly that fails to meet the requirements of U. S. Grade B or U. S. Choice.

(e) *Recommended fill of container*. It is recommended that the container be filled with jelly as full as practicable without impairment of quality and that the product occupies not less than 90 percent of the capacity of the container.

(f) *Ascertaining the grade*. The grade of fruit jelly may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Consistency, color, and flavor. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

	Points
(1) Consistency	40
(2) Color	20
(3) Flavor	40
Total score	100

(g) *Ascertaining the rating for each factor*. The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "34 to 40 points" means 34, 35, 36, 37, 38, 39, or 40 points)

(1) *Consistency*. The factor of consistency refers to the gel strength of the product.

(i) Fruit jelly that possesses a good consistency may be given a score of 34 to 40 points. "Good consistency" means that the fruit jelly possesses a tender to slightly firm texture and retains a compact shape without excessive syneresis ("weeping")

(ii) If the fruit jelly possesses a reasonably good consistency, a score of 28 to 33 points may be given. Fruit jelly that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good consistency" means that the fruit jelly may lack firmness but it is not sirupy and that it may be more than slightly firm but is not tough or rubbery.

(iii) Fruit jelly that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Color*. (i) Fruit jelly that possesses a bright typical color may be given a score of 17 to 20 points. "Bright typical color" means that the color is characteristic of the fruit juice ingredient or ingredients and that the fruit jelly possesses a sparkling luster or may be not more than slightly cloudy, and is free from any dullness of color.

(ii) If the fruit jelly possesses a reasonably bright typical color, a score of 14 to 16 points may be given. Fruit jelly that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably bright typical color" means that the color is characteristic of the fruit juice ingredient or ingredients and that the fruit jelly may be slightly cloudy and may possess a slight dullness of color.

(iii) Fruit jelly that is definitely off color for any reason and fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule)

(3) *Flavor*. (i) Fruit jelly that possesses a distinct and normal flavor may be given a score of 34 to 40 points. "Distinct and normal flavor" means that the product possesses a good distinct flavor characteristic of the fruit ingredient or fruit ingredients after preserving and is free from any caramelized flavor or any objectionable flavor of any kind.

(ii) If the fruit jelly possesses a reasonably good and normal flavor, a score of 28 to 33 points may be given. Fruit jelly that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule) "Reasonably good and normal flavor" means that the product possesses a reasonably good flavor characteristic of the fruit or fruit ingredients after preserving and may possess a slightly caramelized flavor but is free from any bitter flavor or other objectionable flavor or off flavor of any kind.

(iii) Fruit jelly that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule)

(h) *Tolerances for certification of officially drawn samples*. (1) When certifying samples that have been officially drawn and which represent a specific lot of fruit jelly, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such

¹ The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(i) *Score sheet for fruit jelly.*

Size and kind of container.....		
Container code or marking.....		
Label.....		
Net weight (in ounces).....		
Vacuum reading (in inches).....		
Type.....		
Kind.....		
Soluble solids.....		
<hr/>		
Factors	Score points	
I. Consistency.....	40	(A) 34-40 (B) 28-33 (D) 0-27
II. Color.....	20	(A) 17-20 (B) 14-16 (D) 0-13
III. Flavor.....	40	(A) 34-40 (B) 28-33 (D) 0-27
Total score.....	100	
<hr/>		
Grade.....		

¹ Indicates limiting rule.

(j) *Effective time.* The United States Standards for Grades of Fruit Jelly (which is the first issue) contained in this section shall become effective thirty days after publication of these standards in the FEDERAL REGISTER. (Pub. Law 266, 80th Cong.)

Issued at Washington, D. C., this 25th day of November 1947.

[SEAL] RALPH S. TRIGG,
Acting Administrator Production and Marketing Administration.

[F. R. Doc. 47-10580; Filed, Dec. 1, 1947; 8:50 a. m.]

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

INTERPRETATION AS TO APPLICABILITY OF ACT AND REGULATIONS TO OPERATIONS OF PEST CONTROL OPERATORS

Interpretation No. 1. The question has arisen as to whether the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act and the regulations promulgated thereunder are applicable to the situation in which a commercial pest control operator, as a part of his service operation, carries his own economic poisons from one State to another for application by him in his work, the material remaining in his sole and actual possession until applied. There would seem to be no question but that the substances carried by the operator are economic poisons within the

literal wording of the act and the regulations. However, the purpose of the act and the regulations in requiring proper registration and labeling of the regulated substances is to protect the purchaser or user of such substances. In the situation in question, there is no purpose of sale of the substances as such or the use thereof by others. The operator is hired to control pests and as a part of his service work applies the substances. Under these circumstances it would seem that so long as the economic poisons remain in the operator's sole and actual custody, nothing would be accomplished by requiring the registration of the substances and their proper labeling, including ingredient statements, directions for use, poison indicia, warning statements, etc. The substances are applied presumably by experts who are familiar with the nature of such substance and the risks involved. It would not appear that the activities of a commercial pest control operator, outlined above, fall within the spirit or intent of the registration and labeling provisions of the act or the regulations. Of course, any substances sold by such an operator or left by him unapplied would be subject to the act and the regulations.

While the requirements of the act and the regulations as to registration and labeling appear to have been intended primarily for the protection of purchasers and users of economic poisons, the requirements as to coloring or discoloring of economic poisons appear to be largely for the protection of the public generally, which might come in contact with the economic poisons in unmixed form either before or after use. This being so, it is considered that requirements as to coloring or discoloring are applicable to commercial pest control operations, and the interstate transportation of economic poisons in connection with such operations without complying with these requirements would constitute a violation of the act.

Issued this 25th day of November 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-10581; Filed, Dec. 1, 1947; 8:48 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATION OF NATIONAL MARKETING QUOTA FOR BURLEY TOBACCO FOR 1948-49 MARKETING YEAR

§ 725.403 *Basis and purpose.* This section is issued to announce the reserve supply level and the total supply of Burley tobacco for the marketing year beginning October 1, 1947, and to establish the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1948. The Agri-

cultural Adjustment Act of 1938, as amended, provides that whenever the Secretary finds that the total supply of tobacco, as of the beginning of the marketing year then current, exceeds the reserve supply level therefor, the Secretary shall proclaim not later than December 1, the amount of such total supply and also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of tobacco equal to the reserve supply level. The findings and determinations by the Secretary are contained in § 725.404 and have been made on the basis of the latest available statistics of the Federal Government and after due consideration of views, data and recommendations received from Burley tobacco growers and others, including views, data and recommendations presented at a hearing held at Lexington, Kentucky, on November 10, 1947 (12 F. R. 6786) in accordance with the Administrative Procedure Act (60 Stat. 237)

§ 725.404 *Findings and determinations with respect to the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1948*—(a) *Reserve supply level.* The reserve supply level for Burley tobacco is 1,420,000,000 pounds.

(b) *Total supply.* The total supply of Burley tobacco as of the beginning of the marketing year for such tobacco beginning October 1, 1947, is 1,456,000,000 pounds and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of Burley tobacco which will make available during the marketing year beginning October 1, 1948, a supply of Burley tobacco equal to the reserve supply level of such tobacco is 474,000,000 pounds, and a national marketing quota of such amount is hereby proclaimed.

(Sec. 301, 52 Stat. 38 as amended, 60 Stat. 21, 7 U. S. C. and Sup., 1301 et seq.)

Done at Washington, D. C. this 28th day of November 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-10607; Filed, Dec. 1, 1947; 8:48 a. m.]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

PROCLAMATION OF NATIONAL MARKETING QUOTA FOR DARK AIR-CURED TOBACCO FOR 1948-49 MARKETING YEAR

§ 726.851 *Basis and purpose.* This section is issued to announce the reserve supply level and the total supply of dark air-cured tobacco for the marketing year beginning October 1, 1947, and to establish

¹ Rounded to nearest one million pounds.

lish the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1948. The Agricultural Adjustment Act of 1938, as amended, provides for marketing quotas for dark air-cured tobacco to be in effect during the marketing year beginning October 1, 1948, and requires the Secretary of Agriculture to determine and proclaim, not later than December 1, 1947, the amount of the national marketing quota for such marketing year. The findings and determinations by the Secretary are contained in § 726.852 and have been made on the basis of the latest available statistics of the Federal Government and after due consideration of the views, data and recommendations received from dark air-cured tobacco producers and others, including the views, data and recommendations presented at a hearing held at Clarksville, Tennessee, on October 15, 1947 (12 F. R. 6330) in accordance with the Administrative Procedure Act (60 Stat. 237).

§ 726.852 *Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1948*—(a) *Reserve supply level.* The reserve supply level for dark air-cured tobacco is 93,100,000 pounds, calculated, as provided in the act, from a normal year's domestic consumption of 28,000,000 pounds and a normal year's exports of 7,100,000 pounds.

(b) *Total supply.* The total supply of dark air-cured tobacco as of the beginning of the marketing year for such tobacco beginning October 1, 1947, is 108,500,000 pounds, consisting of a carry-over of 63,800,000 pounds and estimated 1947 production of 39,700,000 pounds.

(c) *National marketing quota.* The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1948, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 21,800,000 pounds, and a national marketing quota of such amount is hereby proclaimed.

(Sec. 301, 52 Stat. 38, as amended, 60 Stat. 21, 7 U. S. C. and Sup. 1301 et seq.)

Done at Washington, D. C. this 26th day of November 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-10608; Filed, Dec. 1, 1947; 8:48 a. m.]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

PROCLAMATION OF NATIONAL MARKETING QUOTA FOR FIRE-CURED TOBACCO FOR 1948-49 MARKETING YEAR

§ 726.801 *Basis and purpose.* This section is issued to announce the reserve supply level and the total supply

¹ Rounded to nearest tenth of a million pounds.

of fire-cured tobacco for the marketing year beginning October 1, 1947, and to establish the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1948. The Agricultural Adjustment Act of 1938, as amended, provides for marketing quotas for fire-cured tobacco to be in effect during the marketing year beginning October 1, 1948, and requires the Secretary of Agriculture to determine and proclaim, not later than December 1, 1947, the amount of the national marketing quota for such marketing year. The findings and determinations by the Secretary are contained in § 726.802 and have been made on the basis of the latest available statistics of the Federal Government and after due consideration of the views, data and recommendations received from fire-cured tobacco producers and others, including views, data and recommendations presented at a hearing held at Clarksville, Tennessee, on October 15, 1947 (12 F. R. 6330), in accordance with the Administrative Procedure Act (60 Stat. 237).

§ 726.802 *Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1948*—(a) *Reserve supply level.* The reserve supply level for fire-cured tobacco is 208,700,000 pounds, calculated, as provided in the act, from a normal year's domestic consumption of 49,400,000 pounds and a normal year's exports of 38,100,000 pounds.

(b) *Total supply.* The total supply of fire-cured tobacco as of the beginning of the marketing year for such tobacco beginning October 1, 1947, is 240,200,000 pounds, consisting of a carry-over of 143,200,000 pounds and estimated 1947 production of 97,000,000 pounds.

(c) *National marketing quota.* The amount of fire-cured tobacco which will make available during the marketing year beginning October 1, 1948, a supply of fire-cured tobacco equal to the reserve supply level of such tobacco is 46,400,000 pounds, and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 46,400,000 pounds would result in undue restriction of marketing during the 1948-49 marketing year, and such amount is hereby increased by twenty per centum. Therefore, the amount of the national marketing quota for fire-cured tobacco, in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1948, is 55,700,000 pounds.

(Sec. 301, 52 Stat. 38, as amended, 60 Stat. 21; 7 U. S. C. and Sup., 1301 et seq.)

Done at Washington, D. C., this 26th day of November 1947. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-10609; Filed, Dec. 1, 1947; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 920—MILK IN LA PORTE COUNTY, IND., MARKETING AREA

TERMINATION OF ORDER

It is provided in Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C., 601 et seq.), hereinafter referred to as the "act," that the Secretary of Agriculture shall terminate any order issued under the act whenever he finds that such order obstructs or does not tend to effectuate the declared policy of the act.

At a public hearing conducted at South Bend, Indiana, from April 28 to May 2, 1947, and on May 5 and 6, 1947, pursuant to a notice (12 F. R. 2258) thereof which was published in the FEDERAL REGISTER on April 4, 1947, there was considered the merging of the regulatory program under Order No. 20, as amended (8 F. R. 8782), regulating the handling of milk in the La Porte County, Indiana, marketing area with the regulatory program under Order No. 67, as amended (8 F. R. 8790) regulating the handling of milk in the St. Joseph County, Indiana, marketing area. A recommended decision (12 F. R. 6472) proposing such action, was issued by the Acting Assistant Administrator of the Production and Marketing Administration on September 26, 1947, and the decision (12 F. R. 7993) concurring in such proposal, was issued on November 19, 1947. Such merger action is being accomplished through an amendment of the said Order No. 67, as amended, which is being made effective as of the same time as the effective time of this termination action.¹ In the circumstances, and in accordance with the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) additional notice of proposed rule making and public procedure thereon, and publication or service of this order 30 days prior to its effective date, are found to be unnecessary, impracticable and contrary to the public interest.

It is hereby found, that Order No. 20, as amended (§§ 920.1 to 920.13, inclusive), regulating the handling of milk in the La Porte County, Indiana, marketing area, hereinafter referred to as the "order" no longer tends to effectuate the declared policy of the act with respect to milk received on and after December 1, 1947, except as provided below:

It is, therefore, ordered, That the said order regulating the handling of milk in the La Porte County, Indiana, marketing area be, and the same hereby is, terminated at 11:59 p. m., c. s. t., November 30, 1947, with respect to all milk received thereafter, subject, however, to the following terms and conditions:

(1) That such termination of the said order shall not affect or waive any right, obligation duty or liability under the said order, or release or extinguish any violation of the said order, or affect or

¹ See F. R. Doc. 47-10639, *infra*.

impair any right or remedy of the United States, the Secretary of Agriculture, or any other person with respect to any such violation which has arisen or occurred or which may arise or occur prior to the time that such termination becomes effective:

(2) That the provisions of § 920.11 of the said order, relating to proceedings subsequent to the termination of such order, shall remain in force and effect for the purpose of enabling the market administrator, designated as the agency established for the administration of such order, to liquidate the affairs of the market administrator's office pursuant to the provisions of the said order.

(3) That the said market administrator shall, in accordance with the applicable provisions of § 920.11, continue in such capacity and, from time to time, account for all funds, receipts, and disbursements; and

(4) That the said market administrator, continuing in such capacity, as provided in said § 920.11, shall have all of the powers and authority that may be necessary or proper in order to carry out the provisions thereof, and that such market administrator shall perform the duties specified therein.

The terms "La Porte County, Marketing area" and "market administrator" shall have the same meaning as set forth for the respective term in such order.

(48 Stat. 31, 670, 673, 49 Stat. 750, 60 Stat. 243, 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 28th day of November 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-10640; Filed, Dec. 1, 1947;
10:09 a. m.]

PART 967—MILK IN ST. JOSEPH COUNTY, IND., MARKETING AREA¹

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937 (7 U. S. C., 601 et seq.) hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the St. Joseph County, Indiana, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

(1) The provision "Subtract not less than 4 cents nor more than 5 cents to provide against errors and delinquencies in reports and in payments by handlers" in § 967.7 (b) (4) of the order, as amended, does not tend to effectuate the declared policy of the act with respect to the computation of the uniform price for the November 1947 delivery period.

(2) In accordance with the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) notice of proposed rule making, public procedure thereon, and publication or service of this suspension order 30 days prior to its effective date hereby are found to be un-

necessary, impracticable and contrary to the public interest in that it is imperative to issue this suspension order immediately so as to facilitate and promote the orderly marketing of milk in the St. Joseph County, Indiana, milk marketing area, and in that the time intervening between the date when the need for this action became apparent and the effective date hereof is insufficient to provide for public rule making procedure, prior notice thereof and publication or service of this order 30 days prior to its effective date.

It is therefore ordered, That the provision "Subtract not less than 4 cents nor more than 5 cents to provide against errors and delinquencies in reports and in payments by handlers" in § 967.7 (b) (4) of the order as amended, be and it hereby is suspended with respect to the computation of the uniform price for the November 1947 delivery period.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C., 601 et seq.)

Done at Washington, D. C. this 28th day of November 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-10641; Filed, Dec. 1, 1947;
10:09 a. m.]

PART 967—MILK IN SOUTH BEND-LA PORTE, IND., MARKETING AREA

Sec.	Findings and determinations.
967.0	Definitions.
967.1	Market administrator.
967.2	Reports, records, and facilities.
967.3	Classification of milk.
967.4	Minimum prices.
967.5	Application of provisions.
967.6	Determination of uniform price.
967.7	Payment of milk.
967.8	Expense of Administrator.
967.9	Marketing service.
967.10	Adjustments of accounts.
967.11	Effective time.
967.12	Suspension and termination.
967.13	Agents.
967.15	Separability of provisions.

AUTHORITY: §§ 967.0 to 967.15, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C., 601 et seq., sec. 103, Reorg. Plan 1 of 1947, 12 F. R. 4534.

§ 967.0 Findings and determinations—

(a) Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders, as amended (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904) a public hearing was held upon a proposed marketing agreement for the South Bend-La Porte, Indiana, marketing area and upon proposed amendments to the order, as amended, regulating the handling of milk in the St. Joseph County, Indiana, marketing area. The recommended decision (12 F. R. 6472) was made by the Acting Assistant Administrator, Production and Marketing Administration, on October 1, 1947, and the decision (12 F. R.

7908) was made by the Secretary on November 19, 1947. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of said milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity, specified in a proposed marketing agreement upon which hearings have been held;

(4) The handling of all milk sold or disposed of in the marketing area, or produced for marketing in the marketing area as defined herein, is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

(b) Additional findings. (1) It is hereby found and proclaimed in connection with the issuance of this order regulating the handling of milk in the said marketing area, that the purchasing power of such milk during the pre-war period August 1909-July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk for the post-war period August 1919-July 1929 can be satisfactorily determined from available statistics of the Department of Agriculture; and the post-war period August 1919-July 1929 is the base period to be used in connection with this order in determining the purchasing power of such milk.

(2) It is hereby found that a pro rata assessment on handlers at a rate not to exceed 4 cents per hundredweight with respect to skim milk and butterfat received within the delivery period in producer milk (including such handlers' own production) and in other source milk (excluding milk which is subject to administrative expense of another Federal order issued pursuant to the act) will provide the funds necessary for the maintenance and functions of the market administrator in the administration of this order and such maximum assessment is approved.

(3) It is necessary and in the public interest, to make this order, as amended, effective not later than December 1, 1947, so as to reflect current marketing conditions and to give producers an immediate assurance of an increased price as an incentive to a needed increase in milk

¹Regulations in this part are superseded effective Dec. 1, 1947, by Part 967, F. R. Doc. 47-10639, *infra*.

production during the winter months of 1947-1948. In view of increased cost of feed, labor, and materials, and in view of increased prices granted to producers recently in nearby competing markets, any delay in the effective date of this order will threaten a serious shortage of milk in the said marketing area. The provisions of the order, as amended, are well known to the handlers—the public hearing having been held on April 28-May 2, and May 5-6, 1947, the recommended decision having been published in the FEDERAL REGISTER (12 F. R. 6472) on October 1, 1947, and the final decision (12 F. R. 7908) having been executed by the Secretary on November 19, 1947. Therefore, reasonable time is permitted handlers, under the circumstances, for preparation for the effective date specified above. It is found and determined that good cause exists for making the order effective December 1, 1947, and that it would be contrary to the public interest to delay such effective date.

(d) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order) of more than 50% of the volume of milk covered by this order which is marketed within the said marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practicable means pursuant to the declared policy of the act in advancing the interests of producers of milk which is produced for sale in the said marketing area;

(3) The issuance of this order further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (August 1947) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is hereby ordered, that on and after the effective date hereof, the handling of milk in the South Bend-La Porte, Indiana, marketing area or produced for marketing in the marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended; and the aforesaid order is hereby amended to read as follows:

§ 967.1 *Definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement of 1937, as amended (7 U. S. C. 601 et seq.)

(b) "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture of the United States.

(c) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture specified in §§ 967.5 and 967.8.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

(f) "Cooperative Association" means any cooperative association of producers which the Secretary determines, after application by the association:

(1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(2) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

(g) "South Bend-La Porte, Indiana, marketing area" hereinafter called the "marketing area" means all territory within the corporate limits of South Bend, Mishawaka, La Porte, and Michigan City, Indiana.

(h) "Approved plant" means a milk plant which is approved by the health authorities of any of the following municipalities: South Bend, Mishawaka, La Porte, or Michigan City, Indiana, for the processing and distribution of fluid milk and from which a route is operated wholly or partially within the marketing area.

(i) "Producer" means any person, except a producer-handler, who produces milk which is received at an approved plant, provided one or more of the health authorities set forth in paragraph (h) of this section has approved or certified the production of such milk for use as Class I milk or Class II milk in the marketing area. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be temporarily diverted by a handler from an approved plant to a plant not an approved plant.

(j) "Producer milk" means milk produced by a producer under the conditions set forth in paragraph (i) of this section.

(k) "Other source milk" means all skim milk and butterfat received in any form, except in a non-fluid milk product disposed of in the same form as received, from sources other than a producer or a handler who receives milk subject to the pricing provisions of this order.

(l) "Route" means a delivery (including a sale at a plant store) of Class I milk to a wholesale or retail shop, other than to a milk processing or distributing plant.

(m) "Handler" means (1) a person who operates an approved plant or (2) a cooperative association with respect to milk: (i) Caused by it to be delivered from a producer's farm to an approved plant for the account of such association or (ii) customarily received as producer milk at an approved plant which is diverted by such association for its account to a plant not an approved plant.

(n) "Producer-handler" means any person who operates an approved plant

and whose sole source of supply of skim milk and butterfat is from his own production or from his own production and from an approved plant.

§ 967.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain in an amount and with surety thereon satisfactory to the Secretary a bond covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 967.9:

(i) The cost of his bond and of the bonds of his employees,

(ii) His own compensation, and

(iii) All other expenses, except those incurred under § 967.10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 967.3 or (ii) payments pursuant to §§ 967.8, 967.9, 967.10, or 967.11;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) Verify all reports and payments of each handler by inspection of such handler's records and of the records of any

other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(9) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 7th day after the end of such delivery period, the minimum class prices for skim milk and butterfat pursuant to § 967.5; and

(ii) On or before the 14th day after the end of such delivery period, the uniform price computed pursuant to § 967.7 and the butterfat differential computed pursuant to § 967.8; and

(10) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

§ 967.3 *Reports, records, and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 9th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) The quantities of butterfat and of skim milk contained in all receipts within such delivery period of (i) producer milk, (ii) skim milk and butterfat in any form from any other handler, and (iii) other source milk; and the sources thereof;

(2) The utilization of all receipts reported under subparagraph (1) of this paragraph; and

(3) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* (1) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(2) On or before the 25th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer pay roll for the preceding delivery period, which shall show (i) the total pounds of milk received from each producer and the average butterfat test of such milk, (ii) the amount of payment to each producer and cooperative association, and (iii) the nature and amount of any deductions and charges involved in the payments referred to in subdivision (ii) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to (1) the receipts and utilization, in whatever form, of all skim milk and butterfat received; (2) the weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled; (3) payments to producers and cooperative associations; and (4) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 967.4 *Classification*—(a) *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk, and from another handler shall be classified by the market administrator pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the skim milk and butterfat described in paragraph (a) of this section shall be classified by the market administrator on the basis of the following classes:

(1) Class I milk shall be all skim milk and butterfat:

(i) Disposed of in fluid form as milk, skim milk, flavored milk, flavored milk drink, or buttermilk (except as provided in subparagraphs (3) (i) and (4) (ii) of this paragraph) and

(ii) Shrinkage on receipts of producer milk computed pursuant to paragraph (c) of this section which is in excess of 2 percent of such receipts and all skim milk and butterfat not specifically accounted for as any item under subdivision (i) of this subparagraph or Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be skim milk and butterfat disposed of as fluid cream (sweet or sour) any mixture of cream and milk (or skim milk) containing not less than 6 percent butterfat, and eggnog.

(3) Class III milk shall be all skim milk and butterfat:

(i) Disposed of in fluid form in bulk as milk, skim milk, buttermilk, or cream to any manufacturer of candy, soup, or bakery products and used in such products;

(ii) Used to produce evaporated or condensed milk, cottage cheese, ice cream, ice cream mix, other frozen desserts and mixes, storage cream; and

(iii) Used to produce a milk product other than any of those specified in subparagraphs (1) (i) (2) or (4) of this paragraph.

(4) Class IV milk shall be all skim milk and butterfat:

(i) Used to produce butter, cheese (excluding cottage cheese) and nonfat dry milk solids;

(ii) Dumped or disposed of for livestock feed as skim milk; flavored milk, flavored milk drink, or buttermilk;

(iii) In actual plant shrinkage of producer milk computed pursuant to paragraph (c) of this section but not in excess of 2 percent thereof; and

(iv) In actual plant shrinkage of other source milk computed pursuant to paragraph (c) of this section.

(c) *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(1) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler and

(2) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (1) of this paragraph between that in producer milk and other source milk.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(1) As Class I milk, if transferred or diverted in the form of milk and as Class II milk if so disposed of in the form of cream to another handler (except a producer-handler) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the delivery period within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to paragraph (g) of this section, and any excess of such skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available utilization;

(2) As Class I milk if transferred or diverted in the form of milk and as Class II milk if so disposed of in the form of cream to a producer-handler.

(3) As Class I milk if transferred or diverted in the form of milk and as Class II milk if so disposed of in the form of cream to a plant not an approved plant unless, (i) the handler claims another class on the basis of utilization mutually indicated in writing to the market administrator by both the buyer and seller on or before the 9th day after the end of the delivery period within which such transaction occurred, (ii) the buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, (iii) such buyer's plant had actually used in the use indicated in such statement not less than an equivalent amount of skim milk and butterfat derived by him from milk or cream: *Provided*, That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of skim milk and butterfat so derived in such indicated use, the remaining pounds shall be classified on the basis of the next highest priced available use in accordance with the classes set forth in paragraph (b) of this section;

(f) *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk, Class IV milk for such handler.

(g) *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat respectively remaining in each class after the following computations shall be the pounds in each class allocated to producer milk:

(1) Subtract respectively from the pounds of skim milk and butterfat in Class I milk the pounds of skim milk and butterfat in other source milk which is disposed of as Class I milk in bottles on a route outside the marketing area: *Provided*, That the health authority having jurisdiction over the plant from which such distribution is made has granted approval for receiving and processing for fluid distribution both approved milk and other source milk in such plant, the handler maintains adequate accounts and records of and practices complete segregation of producer milk and other source milk used in his Class I milk operations and that such other source milk is disposed of on a route on which no producer milk is disposed of as Class I milk;

(2) Subtract respectively from the remaining pounds of skim milk and butterfat in each class (other than the pounds of plant shrinkage of skim milk and butterfat pursuant to paragraph (b) (4) (iii) of this section) in series beginning with the lowest priced available use, the pounds of skim milk and butterfat in other source milk excluding that subtracted pursuant to subparagraph (1) of this paragraph;

(3) Subtract respectively from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers and assigned to such class pursuant to paragraph (e) of this section; and

(4) Subtract respectively from the remaining pounds of skim milk and butterfat in each class in series beginning with the lowest-priced available use, the pounds by which such pounds of skim milk and butterfat in all classes exceed respectively the pounds of skim milk and butterfat received from producers.

§ 967.5 *Minimum prices*—(a) *Basic formula prices for skim milk and butterfat.* The basic formula prices for skim milk and butterfat shall be determined by the market administrator for each delivery period in the following manner:

(1) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture by the companies listed below:

Present Operator and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland, Wis.
Carnation Co., Sparta, Mich.

Pet Milk Co., Bellerille, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) Compute the price per hundredweight as follows:

(i) Multiply by six the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by seven, add 30 percent thereof, and multiply by 3.5.

(3) Compute the price per hundredweight by adding together the plus values resulting under subdivisions (i) and (ii) of this subparagraph.

(i) Subtract 5.0 cents from the arithmetical average of the carlot prices per pound as reported for the delivery period for nonfat dry milk solids (not including that specifically designated animal feed) roller and spray process, f. o. b. Chicago area manufacturing plants, by the Department of Agriculture, multiply by 8.5 and multiply by 0.965, except that if such agency does not publish such prices there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof, delivered at Chicago, Illinois, as published weekly by such agency during the delivery period, and in the latter event the figure "6.0" shall be substituted for "5.0" in the above formula.

(ii) Subtract 2 cents from the arithmetical average of the daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, multiply by 1.2, and multiply by 3.5.

(4) Multiply the highest of the prices resulting from subparagraphs (1) (2) and (3) of this paragraph for the next preceding delivery period by 0.311 (which amount shall be known as the basic formula price per hundredweight of skim milk) *Provided*, That such price effective for July shall not be less than that effective for the previous month; and such price effective for January shall not be more than that effective for the previous month.

(5) Multiply the highest of the prices resulting from subparagraphs (1) (2) and (3) of this paragraph for the next preceding delivery period by 20.0 (which amount shall be known as the basic formula price per hundredweight of butterfat) *Provided*, That such price effective for July shall not be less than that effective for the previous month, and such price effective for January shall not be more than that effective for the previous month.

(b) *Class I milk and Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for

skim milk and butterfat in producer milk received and classified as Class I milk and Class II milk shall be determined by adding the following amounts to the respective basic formula prices for the delivery period:

Delivery period	Skim milk— class I and class II milk	Butter- fat— class I and class II milk
May and June.....	\$0.175	\$10.00
September through December.....	.280	18.00
All other months.....	.218	14.00

Provided, That the per hundredweight Class II butterfat price shall not be less than the Class III butterfat price determined pursuant to paragraph (c) (5) of this section.

(c) *Class III milk prices.* The minimum prices per hundredweight, to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class III milk, shall be determined as follows:

(1) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or the Department of Agriculture by the companies listed below:

Present Operator and Location

Goshen Milk Condensing Co., Goshen, Ind.
Litchfield Creamery Co., Warsaw, Ind.
New Paris Creamery Co., New Paris, Ind.

Provided, That the price so determined shall not be less than the per hundredweight price of milk determined pursuant to paragraph (a) (3) of this section.

(2) Compute the percentage that the value of skim milk and butterfat, respectively, as determined pursuant to paragraph (a) (3) (i) and (a) (3) (ii) of this section, is of their sum.

(3) Multiply the price of milk determined pursuant to subparagraph (1) of this paragraph by the percentages determined for skim milk and butterfat, respectively, pursuant to subparagraph (2) of this paragraph.

(4) Divide the value for skim milk determined pursuant to subparagraph (3) of this paragraph by 0.965, which price shall be the Class III price per hundredweight for skim milk.

(5) Divide the value of butterfat determined pursuant to subparagraph (3) of this paragraph by 0.035, which price shall be the Class III price per hundredweight for butterfat.

(d) *Class IV milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class IV milk shall be determined as follows:

(1) The price per hundredweight of such skim milk shall be the price determined pursuant to paragraph (a) (3) (i) of this section, divided by 0.965.

(2) The price per hundredweight of such butterfat shall be the price determined pursuant to paragraph (a) (3) (ii) of this section, divided by 0.035.

§ 967.6 *Application of provisions—*

(a) *Exempt milk.* Skim milk and butterfat disposed of as Class I and Class II milk on a route in the marketing area shall not be subject to the provisions of this order if (1) such milk is priced under another marketing agreement or order issued pursuant to the act and (2) the person making such disposition of milk in the marketing area is subject to regulation under such other marketing agreement or order: *Provided*, That the handler making such disposition of milk in the marketing area shall at such time and in such manner as the market administrator may require, make reports to the market administrator which shall be subject to verification by the market administrator.

(b) *Diverted milk.* Producer milk diverted from a handler's plant to an approved plant or to a plant not an approved plant shall be deemed to have been received by the handler for whose account such milk was diverted.

(c) *Producer-handlers.* Sections 967.4, 967.5, 967.7, 967.8, 967.9, and 967.10 shall not apply to a producer-handler.

§ 967.7 *Determination of uniform price—*(a) *Computation of value of producer milk.* The value of producer milk received during each delivery period by each handler shall be computed by the market administrator by multiplying the pounds of skim milk and butterfat respectively allocated to producer milk in each class pursuant to § 967.4 (g) by the applicable class prices, adding together the resulting amounts, and adding the amounts computed as follows: Multiply the pounds of skim milk and butterfat subtracted from the various classes pursuant to § 967.4 (g) (4) by the respective applicable class prices.

(b) *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(1) Combine into one total the values computed pursuant to paragraph (a) of this section for all handlers who made the reports pursuant to § 967.3 except those in default in payments required pursuant to § 967.8 (d) for the preceding delivery period;

(2) Subtract, if the weighted average butterfat test of producer milk is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by multiplying the amount by which such weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to § 967.8 (b) and multiply the resulting amount by the hundredweight of such milk;

(3) Add an amount representing the cash balance on hand in the producer-settlement fund, less the amount of unpaid obligations to handlers pursuant to § 967.8 (e) and § 967.11,

(4) Divide by the hundredweight of producer milk; and

(5) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent) from the amount computed under subparagraph (4) of this paragraph.

(c) *Notification to handlers.* On or before the 14th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (1) the amount and values of his milk in each class and the totals thereof; (2) the applicable minimum class prices and uniform price; (3) the amount owed by him to or the amount due him from the producer-settlement fund, pursuant to § 967.8 (d) or (e) and (4) the amount to be paid by him pursuant to §§ 967.8 (a) 967.9, 967.10, and 967.11.

§ 967.8 *Payment for milk—*(a) *Time and method of payment.* Each handler shall make payments as follows:

(1) On or before the 18th day after the end of each delivery period, to each producer, except producers for whom payment is made to a cooperative association pursuant to subparagraph (2) of this paragraph, at not less than the uniform price for such delivery period pursuant to § 967.7 (b) adjusted by the producer butterfat differential pursuant to paragraph (b) of this section, for all milk received from such producer during such delivery period: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (e) of this section, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; *And provided further* That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(2) On or before the 15th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such delivery period, not less than the value of skim milk and butterfat in such milk computed at the minimum class prices pursuant to § 967.5. For the purpose of determining the classification of skim milk and butterfat in such milk, such skim milk and butterfat shall be ratably apportioned among the skim milk and butterfat in such handler's Class I milk, Class II milk, Class III milk, and Class IV milk allocated to producer milk pursuant to § 967.4 (g)

(b) *Producer butterfat differential.* In making payments pursuant to paragraph (a) (1) of this section there shall be added to, or subtracted from, the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the average of the daily wholesale prices per pound of 92-score butter at Chicago during the delivery period as reported by the Department of Agriculture, by 0.12 and rounding to the nearest tenth of a cent.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which

he shall deposit payments made by handlers pursuant to paragraph (d) of this section and payments related thereto pursuant to § 967.11 and out of which he shall make all payments to handlers pursuant to paragraph (e) of this section and payments related thereto pursuant to § 967.11.

(d) *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 967.7 (a) minus the amount to be paid to a cooperative association pursuant to paragraph (a) (2) of this section, is greater than the amount to be paid producers pursuant to paragraph (a) (1) of this section: *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to paragraph (a) (2) of this section, such cooperative association shall pay to the market administrator, on or before the 16th day after the end of each delivery period, the amount by which the utilization value of such milk is greater than the value computed at the uniform price pursuant to § 967.7 (b) adjusted by the producer butterfat differential pursuant to paragraph (b) of this section.

(e) *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 967.7 (a) minus the amount to be paid to a cooperative association pursuant to paragraph (a) (2) of this section is less than the amount to be paid producers pursuant to paragraph (a) (1) of this section, less any unpaid obligation of such handler to the market administrator pursuant to paragraph (d) of this section, §§ 967.9, 967.10, and 967.11, *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to paragraph (a) (2) of this section the market administrator shall pay to such cooperative association, on or before the 17th day after the end of such delivery period, the amount by which the utilization value of such milk is less than the value computed at the uniform price pursuant to § 967.7 (b) adjusted by the producer butterfat differential pursuant to paragraph (b) of this section: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 967.9 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 967.2 (c) (4) each handler shall pay the market administrator, on or before the 16th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to skim

milk and butterfat received within the delivery period, in producer milk (including such handler's own production) and in other source milk (excluding milk which is subject to administrative expense of another Federal order issued pursuant to the act)

§ 967.10 *Marketing service*—(a) *Marketing service deductions*. Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 967.8 (a) (1) shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers (except milk of such handlers' own production) at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

Such deductions shall be paid by the handler to the market administrator on or before the 16th day after the end of each delivery period. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Marketing service deduction with respect to members of, or producers marketing through, a cooperative association*. In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 932.8 (a) (1) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 16th day after the end of such delivery period, such deduction to the association entitled to receive it under this paragraph.

§ 967.11 *Adjustments of accounts*—

(a) *Errors in payments*. Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) *Interest on overdue accounts*. Any unpaid obligation of a handler or of

the market administrator pursuant to §§ 967.8, 967.9, 967.10, or paragraph (a) of this section shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 967.12 *Effective time*. The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 967.13 *Suspension or termination*—

(a) *When suspended or terminated*. The Secretary shall, whenever he finds that this order, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision thereof.

(b) *Continuing obligations*. If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation*. Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so desired by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 967.14 *Agents*. The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 967.15 *Separability of provisions*. If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 28th day of November 1947, to be effective on and after the 1st day of December 1947.

[SEAL]

CLETON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-10639; Filed, Dec. 1, 1947; 10:09 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 43-12]

PART 43—GENERAL OPERATION RULES

INSPECTIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of November 1947.

Section 43.22 (b) of the Civil Air Regulations, as amended by Amendment 43-10, adopted September 16, 1947, provides for the same inspection requirements as § 43.23. The purpose of this amendment, therefore, is to delete § 43.23.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations (14 CFR, Part 43, as amended) effective November 25, 1947, by repealing § 43.23.

(Sec. 205 (a), 52 Stat. 934; 49 U. S. C. 425 (a))

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-10637; Filed, Dec. 1, 1947; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4913]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PAUL CASE

§ 3.6 (b) *Advertising falsely or misleadingly—Qualities or properties of product or service*: § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts*. In connection with the offering for sale, sale, or distribution of respondent's medicinal preparations, either separately or in combination, under the designations "Case Combination New Method Improved," "The New Improved Case Combination Method," or "Case Combination Formula" or under any other name or names, or any other preparation of substantially similar composition or possessing substantially similar properties, under whatever name or names sold, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, directly or indirectly, the purchase in commerce, etc., of respondent's medicinal preparations, which advertisements represent, directly or by implication, (a) that respondent's preparations, whether used singly or in combination, have any therapeutic value in the treatment of rheumatism, sciatica, arthritis, or neuralgia or similar conditions or diseases in excess of temporarily relieving minor pains which may be symptomatic of such diseases or condi-

tions, or that said preparations possess curative properties in the treatment of any of such diseases or conditions; (b) that said preparations, whether used singly or in combination, have any curative action or beneficial effect upon the underlying causes of rheumatism, sciatica, arthritis, neuritis, or neuralgia; (c) that said preparations, whether used singly or in combination, have any beneficial effect upon the development or course of rheumatism, sciatica, arthritis, neuritis, or neuralgia or similar diseases or conditions; (d) that the formulas for respondent's medicinal preparations represent a recognized or accepted therapeutic treatment for rheumatism, sciatica, arthritis, neuralgia, or neuritis or similar diseases or conditions; or, (e) that the use of respondent's preparations in combination with each other increases or improves the therapeutic value of either preparation; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Paul Case, Docket 4813, Oct. 24, 1947]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 24th day of October A. D. 1947.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, and briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Paul Case, an individual, and his agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of his medicinal preparations, either separately or in combination, "under the designations "Case Combination New Method Improved," "The New Improved Case Combination Method," or "Case Combination Formula" or under any other name or names, or any other preparation of substantially similar composition or possessing substantially similar properties, under whatever name or names sold, do forthwith cease and desist from directly or indirectly

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act which advertisement represents, directly or by implication:

a. That respondent's preparations, whether used singly or in combination, have any therapeutic value in the treatment of rheumatism, sciatica, arthritis, neuritis, or neuralgia or similar conditions or diseases in excess of temporarily relieving minor pains which may be symptomatic of such diseases or condi-

tions, or that said preparations possess curative properties in the treatment of any of such diseases or conditions.

b. That said preparations, whether used singly or in combination, have any curative action or beneficial effect upon the underlying causes of rheumatism, sciatica, arthritis, neuritis, or neuralgia.

c. That said preparations, whether used singly or in combination, have any beneficial effect upon the development or course of rheumatism, sciatica, arthritis, neuritis, or neuralgia or similar diseases or conditions.

d. That the formulas for respondent's medicinal preparations represent a recognized or accepted therapeutic treatment for rheumatism, sciatica, arthritis, neuralgia, or neuritis or similar diseases or conditions.

e. That the use of respondent's preparations in combination with each other increases or improves the therapeutic value of either preparation.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act of respondent's medicinal preparations which advertisement contains any of the representations prohibited in paragraph 1 hereof and the subdivisions thereof:

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 47-10566; Filed, Dec. 1, 1947;
8:55 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.57]

PART 3—PROCEDURES IN GENERAL

WHERE PROCEDURAL MATERIAL MAY BE FOUND

Pursuant to the authority contained in R. S. 161, Title 22, Part 3, of the Code of Federal Regulations is hereby amended to read as follows:

§ 3.1 *Where procedural material may be found.* In general, the procedures essential to compliance with the regulations of the Department and the Foreign Service are incorporated in the texts of the substantive regulations comprising Subchapters B et seq. of this chapter. (R. S. 161, 5 U. S. C. 22)

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

Approved: November 25, 1947.

[SEAL] ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 47-10568; Filed, Dec. 1, 1947;
8:51 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 91—FUNCTIONS AND ORGANIZATION, BUREAU OF THE MINT

PART 92—PROCEDURES

MISCELLANEOUS AMENDMENTS

Parts 91 and 92 of Title 31, Code of Federal Regulations, pertaining to functions and organization, and procedures of the Bureau of the Mint, respectively, are amended to read as follows:

1. The undesignated second paragraph of § 91.2 (a) is amended to read as follows:

§ 91.2 *Central organization.* * * *
(a) *The office of the Director* * * *

The Director administers the issuance of Treasury licenses for the acquisition, ownership, possession, and use of gold for industrial, professional and artistic purposes; the revocation of such licenses, or the denial of applications therefor, is subject to review by the Secretary of the Treasury.

2. The tenth paragraph of § 91.3 is amended to read as follows:

§ 91.3 *Field organization.* * * *

All coinage mints and assay offices receive gold and silver bullion for deposit and return or for purchase by the Government in accordance with applicable laws and regulations; determine the eligibility of such gold and silver for deposit and return or purchase; have custody of such gold and silver bullion as may be purchased by them; and sell gold and silver as authorized by law. All mints and assay offices issue licenses for the use of gold, after approval of applications by the Director. Information in connection with the issuance of such licenses, the eligibility of gold and silver for deposit, and the sale of gold and silver, as well as the necessary application and other forms, may be obtained from any mint or assay office. All mints and assay offices make assays of gold and silver bullion for the public and the Seattle Assay Office makes commercial assays of ores.

3. The first paragraph of § 91.4 is amended to read as follows:

§ 91.4 *Public information, submittals and requests—*(a) *Rules as to access to records.* Apart from records dealing with matters of internal management, the Bureau of the Mint maintains files containing the following types of documents:

(1) On file at the Office of the Director:

(i) Applications for gold licenses.

(ii) Reports (filed by gold licensees and by depositors of silver)

(iii) Gold licenses, and notifications from the Director of the Mint to the Mint institutions instructing them to issue or deny specified applications for gold licenses, or to revoke specified existing gold licenses.

(iv) Affidavits and statements (by depositors of silver to establish its eligibility for purchase)

(v) Audit reports (of major silver refining companies, made by field auditors of the Mint Bureau)

(vi) Secret Service investigative reports.

(2) On file at the Mint institutions:

(i) Affidavits and statements accompanying deposits of gold and silver.

(ii) Records of before-melting weight of gold and silver bullion.

(iii) Final report of assay and calculation of value of bullion (supplied to depositor on Form 39)

(iv) Copies of some of the records listed in subparagraph (1) of this paragraph.

4. Section 92.1 is amended to read as follows:

§ 92.1 *Regulation of use and holding of gold.* Pursuant to Executive Order No. 6102 of April 5, 1933, Executive Order No. 6260 of August 28, 1933 (31 CFR Part 50) and the Order of the Secretary of the Treasury of December 28, 1933, as amended and supplemented (31 CFR 52.1) all persons subject to the jurisdiction of the United States were required to deliver to the Treasurer of the United States all gold coins (except "rare" gold coins) gold bullion, and gold certificates situated in the United States, with certain minor exceptions not of interest to the general public. At the present time, the acquisition, ownership and disposition of gold in all forms is permitted only in accordance with the regulations issued under the Gold Reserve Act of 1934 (31 CFR, Part 54).

Persons holding gold in melted or treated form which was required to be delivered pursuant to the orders mentioned above, or which is not authorized to be held under the Gold Regulations, should immediately deliver such gold to a United States Mint or Assay Office and should execute the form entitled "Special Statement of Depositor of Gold in Melted Form." This form may be procured from any United States Mint or Assay Office or from the Bureau of the Mint, Treasury Department, Washington 25, D. C. Payment for gold held in noncompliance with the orders referred to above is governed by the Instructions of the Secretary of the Treasury of January 17, 1934 (31 CFR 53.1) which provide, subject to the rights reserved, for payment at the rate of \$20.67+ an ounce. Disposition of gold not authorized to be acquired or held under the Gold Regulations is determined by the Director of the Mint.

Section 20 of the Gold Regulations permits, with certain exceptions, the acquisition, holding, etc., of "rare" gold coins. This section does not, however, permit the acquisition, holding, etc., of gold coins which were required to be delivered under the orders mentioned above. (31 CFR 54.20)

Gold coins which have been withheld in violation of any of such orders should be delivered promptly to the Treasurer of the United States a United States Mint or Assay Office, a Federal Reserve Bank or branch, or a member bank of the Federal Reserve system. Any gold coin which has not been of recognized special value to collectors of rare and unusual coins since prior to April 5, 1933, should,

in the absence of special circumstances, have been delivered pursuant to such administrative orders, and accordingly is now required to be so delivered.

Payment for gold coins required to be delivered under the Orders mentioned above is governed by the Instructions of the Secretary of the Treasury of January 17, 1934, which provide, subject to the rights reserved, for payment of the dollar face amount for United States coins and payment at the rate of \$20.67+ an ounce for foreign gold coins.

5. Section 92.2 (b) is amended to read as follows:

§ 92.2 *Issuance of gold licenses.* * * *

(b) *Licenses for the export of gold.* Export licenses are issued only to the holders of gold licenses mentioned above and to persons authorized to hold gold under the Gold Regulations upon a satisfactory showing "that the gold to be exported is semi-processed gold and that the export or transport from the continental United States is for a specific and customary industrial, professional, or artistic use and not for the purpose of using or holding or disposing of such semi-processed gold beyond the limits of the continental United States as, or in lieu of, money, or for the value of its gold content." (31 CFR 54.25 (c))

Applications for the export of semi-processed gold in individual lots are filed on Form TG-15 which requires information as to the amount and domestic market value of the semi-processed gold exported, the consignee, and the purpose for which such gold is to be used. This form is available at all mint institutions and should be filed with the mint or assay office from which the applicant holds his industrial license, or if the applicant is operating without a license under the provisions of the Gold Regulations he must file his application with the mint or assay office in the district in which he has his principal place of business. The applications are forwarded to the Office of the Director which authorizes the issuance of the license on Form TGL-15 by the Superintendent of the Mint.

Applications on Form TG-15 for the export of substantial quantities of semi-processed gold must be accompanied by a statement in English from the consignee, sworn to before the nearest United States consular official, setting forth detailed information concerning the business of the consignee, the use to be made of the gold and the disposition of previous holdings of gold. Details as to the information required in this statement may be obtained from the nearest mint or assay office.

Applications for the export of gold coin, having a recognized special value to collectors of rare and unusual coin, are filed on Form TG-11 with the Director of the Mint who issues such licenses. Licenses are granted when or if the Director of the Mint is satisfied that the coins are of such recognized special value and have not been held in violation of the Gold Regulations or the gold orders referred to in § 92.1.

A detailed description of such coins, or the coins themselves, may be sent at the owner's risk to the Office of the Director of the Mint to be submitted to the

National Museum (Smithsonian Institution) for determination as to whether such coins are rare.

Export licenses on TGL-16 are issued for the export of gold refined (or the equivalent to gold refined) from gold-bearing materials imported into the United States for refining and reexport to the foreign exporter, or pursuant to his order, and subject to several other conditions set forth in 31 CFR 54.32. Not later than three months from the date of entry, an application on Form TG-16, giving information as to the amount of refined gold, the consignee, the location of the plant at which the gold was refined and other information, must be filed with the United States Assay Office at New York, or the United States Mint at San Francisco, as the importer may designate.

Gold may be imported and transported for prompt export without the necessity of holding a license provided that it remains under customs custody throughout the period during which it is within the customs limits of the United States. If the gold leaves customs custody or is not promptly exported, it may be transported and exported only under a license on Form TGL-17 pursuant to an application on Form TG-17, which requires information as to the port of entry, the amount of gold, the name and address of the consignee and other pertinent facts, filed with the Assay Office at New York or the Mint at San Francisco.

Export licenses for the export of semi-processed gold for a period of three months on Form TGL-15 (General) General License for the Export of Semi-Processed Gold, are issued from the Office of the Director in Washington, after applications are filed with such office on Form TG-15 (General) which calls for substantially the same information as that required on Form TG-15. Reports containing information as to the amounts of gold exported, the consignees, and the use of such gold are required on Form TGR-15 (General)

Applications for licenses for the exportation of gold in any form for refining or processing are made on Form TG-15-B; licenses are granted on Form TGL-15-B subject to the condition that the licensee will reimport into the continental United States the refined or processed gold (or the equivalent in refined or processed gold) derived from the gold exported, or subject to such other conditions as the Director of the Mint may prescribe; monthly reports of the exports and reimportations effected pursuant to license on Form TGL-15-B are required to be submitted on TGR-15-B.

6. Section 92.3 is amended to read as follows:

§ 92.3 *Purchase of gold.* Deposits of gold are required to be accompanied by statements on Form TG-19, by persons who have recovered gold by mining and panning; TG-20, by persons who have recovered it in the regular course of their business of operating a custom mill, smelter or refinery; TG-21, by persons purchasing gold directly from miners and panners; TG-22, by depositors of unmelted scrap gold; and TG-23, by persons depositing gold including foreign

gold coin imported into the United States. All of the above forms require a description of the gold and information as to the source and date of acquisition, or mining. The deposits and statements are delivered to the Mint institutions in the district in which the depositor lives or has his principal place of business for return in the form of stamped bars when the depositor is authorized to receive such bars, or for sale to the Government.

(31 U. S. C. 325, 360) The price paid is \$35 per fine troy ounce, less $\frac{1}{4}$ of 1%, less the usual mint charges as set forth in the Table of Charges (31 CFR 54.42 and Part 90)

If a gold deposit contains less than one ounce of fine gold, if the report of the Assayer is that it is unsuitable for the operations of the Mint, or if it contains less than 200 parts of gold in 1,000, it will not be purchased by the Mint (31 CFR 54.36, 31 U. S. C. 329) If the unacceptability of the gold deposit can be determined before it is melted, it may be returned to the depositor, but if the deposit has been melted, it may be returned to the depositor only if he is authorized by the Gold Regulations to hold melted gold. If the depositor may not hold melted gold, it must be held for delivery at his request, and by authorization of the Director, to a refiner or other person legally licensed to hold melted gold for his account; *Provided*, That the gold was not required to be delivered to the United States by the Order of the Secretary of the Treasury, dated December 28, 1933.

Silver contained in gold bullion sold to the Government may be returned in the form of silver bars or will be purchased at such valuations as are from time to time established by the Director of the Mint, as authorized by Statute (31 U. S. C. 328) The price currently being paid for such silver is the next even cent below the official New York Market Price on the day prior to receipt of the deposit, except that silver contained in deposits of newly mined domestic gold may be paid for as newly-mined domestic silver if it meets the conditions set forth in § 92.4.

7. Section 92.4 is amended to read as follows:

§ 92.4 *Deposits of silver* Any owner of silver bullion may deposit it at the mint or assay office in his district for return in the form of unparted stamped bars and at the coinage mints and the New York Assay Office for return in the form of refined stamped bars; provided that silver other than newly mined domestic shall contain not less than 600 parts of silver in 1,000, and not more than ten parts of gold in 1,000. The gold content of such deposits will be paid for at the price set forth in 31 CFR 54.42. No silver bar of less than 25 ounces shall be issued by any mint or assay office except in exchange for a deposit containing less than 25 ounces, and in no case shall a bar of gold or silver of less weight than 5 ounces be made or issued by any mint or assay office. (31 U. S. C. 325, 328)

Domestic silver mined subsequent to July 1, 1939 from natural deposits in the United States or any place subject to the jurisdiction thereof may be deposited with the coinage mints. As a

matter of convenience to the public, the Assay Offices at Seattle will accept eligible silver for the account of the mint at San Francisco. Such deposits must not contain more than 800 parts of base metal in 1,000. A return of 71.11 cents per ounce will be made for silver mined subsequent to July 1, 1939 as prescribed in the act of July 6, 1939, and a return of 90.5 cents per ounce will be made for silver mined subsequent to July 1, 1946 as prescribed in the act of July 31, 1946, if tendered to the coinage mints within one year in accordance with the provisions of the Newly-Mined Silver Regulations (31 CFR, Part 80) At the time of deposit, the owner of such silver shall file with the coinage mint an affidavit on TSA-1 (for silver eligible for purchase under the act of July 6, 1939) or TSA-10 (for silver eligible for delivery under the act of July 31, 1946) which requires certain information and warranties as to the date of mining of such silver, supported by miner's affidavits on Forms TSA-2 or TSA-20, respectively, or in the case of silver taken from mine dumps and tailing piles, on TSA-2a and TSA-20a, respectively.

Persons delivering silver in the manner described in the preceding paragraph are required to file with the Office of the Director a report on Form TSA-3 (in the case of silver delivered under the act of July 6, 1939) or TSA-30 (in the case of silver delivered pursuant to the act of July 31, 1946) containing details as to the amount of silver on hand at the beginning of the period covered, mined, and/or received from other sources during such period, and the dispositions, metallurgical losses, if any, and the balance on hand at the end of the period. The records required to be maintained by the regulations must be available for inspection by representatives of the Office of the Director.

8. Section 92.5 is amended to read as follows:

§ 92.5 *Receipt, handling of bullion deposits; payment therefor* As a matter of practical expedience and convenience to the public, the officers in charge of the mint institutions are authorized to receive deposits of bullion by express or mail. In cases where reasonable doubts may arise as to the ownership and eligibility or any other pertinent factor concerning deposits, the officers may decline to receive deposits unless made in person.

All bullion deposited or purchased at any of the Mints or Assay Offices of the United States is weighed, when practicable, in the presence of the depositor or his agent, and the weight is verified by some official or competent employee of the Mint. Weights are recorded in troy ounces and hundredths of an ounce. When gold or silver deposits are received by express, mail, etc., or when formal receipts are not requested by the depositors of silver bullion, memoranda receipts on Form 1024A will be issued to the depositors. Whenever the depositor of silver requests a formal receipt, he is given a receipt on Form 7a for the before-melting weight of his deposit. No receipt on Form 7a shall be given to a depositor of

gold bullion. Receipts on Form 7a must be surrendered, properly indorsed by the depositor at the time payment is made for the silver bullion represented thereby (31 U. S. C. 329) If the depositor of silver bullion loses his receipt on Form 7a, it will be necessary for him, before payment is made, to give a bond of indemnity for double the value of the deposit.

The Assayer takes at least two samples in sufficient portions for assay from each deposit of bullion. The proportion of the gold, silver and base metal contained, as well as the charges to which the deposit is subject, are indicated by the Assayer on Form 39 which is signed by the Assayer. This form also contains the depositor's name, the number and date of the deposit, the class of bullion, the weight before and after melting and the deductions, if any, to which the deposit has been subjected. The charges for the various operations on bullion deposited and for the preparation of bars are fixed from time to time by the Director of the Mint, with the concurrence of the Secretary of the Treasury, so as to equal but not exceed, in their judgment, the actual average cost to each mint and assay office of the material, labor, wastage and use of machinery employed (31 U. S. C. 330-2, 334) The current charges are set forth in the Table of Charges (31 CFR, Part 90)

Depositors are credited with the after-melting weight of their bullion (31 U. S. C. 329) The detailed memorandum of the weight of bullion after melting and deduction and the report of the Assayer as to fineness, the value of the deposit and the amount of the charges is given to the depositor (31 U. S. C. 273, 334)

Payments for bullion are made, insofar as practicable, in the order in which the deposits are received at the mints, by checks drawn in favor of the depositor or if payment is for silver bullion to such other person as he may designate, except when cash or bars are requested, but in no case is a check in payment of a deposit drawn in favor of any officer or person of the institution where the deposit is made and in no case may any person employed in the institution act as agent for the depositor (31 U. S. C. 357, 358, 359, 463) Checks may be sent by ordinary mail at the risk of the payee or by registered mail at their expense and request.

When the approximate fineness of a deposit of bullion containing \$5,000 or more in gold or 5,000 or more ounces of silver may be readily determined, partial payment of 90% of the value may be made in the discretion of the officer in charge. If the fineness is already closely determined by assay, and the deposit is awaiting remelting and reassay for exact determining, partial payment up to 98% of the value may be made. Partial payment of 98% of the declared value of a deposit of foreign coin valued at at least one million dollars after its weight and approximate value have been determined may be made; on a deposit of a million dollars in value of gold bullion .995 fine, payment of 98% of the declared value may be made after the weight and approximate value have been determined.

Other advances may be authorized by the Secretary of the Treasury. In any case of an advance the depositor must give a written guarantee that the value of the deposit is at least equal to the amount advanced. (31 U. S. C. 358)

9. The first sentence of § 92.7 is amended to read as follows:

§ 92.7 *Sale of gold.* A licensee or other person authorized under the Gold Regulations to acquire gold may apply for the purchase of gold in bar form on Form TG-24, if the applicant is a user of gold, or on Form TG-25, if a dealer in gold.

10. Section 92.9 is amended to read as follows:

§ 92.9 *Assays of bullion and ores.* Samples of bullion are assayed for the public at all mint institutions at the charges set forth in the Table of Charges (31 CFR, Part 90, 31 U. S. C. 273, 283) Samples of ores are assayed at the Seattle Assay Office at the price set forth in the Table of Charges. (31 CFR, Part 90)

(Sec. 3, 60 Stat. 238; 5 U. S. C. Sup., 1002)

[SEAL] LELAND HOWARD,
Acting Director of the Mint.

Approved: November 25, 1947.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 47-10582; Filed, Dec. 1, 1947; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 70, Amdt. 6]

PART 95—CAR SERVICE

FRESH FRUIT AND VEGETABLE RECONSIGN- MENTS RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of November A. D. 1947.

Upon further consideration of the provisions of Service Order No. 70 (8 F. R. 8515) as amended (8 F. R. 8515; 11 F. R. 8451, 12 F. R. 3032) and good cause appearing therefor:

It is ordered, That Service Order No. 70 (49 CFR, § 95.304a) as amended, be, and it is hereby, further amended by adding the following paragraph:

Expiration date. This section, as amended, shall expire at 11:59 p. m., December 1, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, This amendment shall become effective at 12:01 a. m., December 1, 1947, and it shall vacate and supersede Amendment No. 5 to Service Order No. 70 on the effective date hereof; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem

agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-10533; Filed, Dec. 1, 1947; 8:55 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

CARLOAD FREIGHT TRAFFIC; MIXED CARLOAD SHIPMENTS OF ONIONS AND IRISH POTATOES AND SHIPMENTS OF CERTIFIED SEED POTATOES

CROSS REFERENCE: For exceptions to the provisions of § 500.72 see Part 520 of this chapter, *infra*.

[Gen. Permit ODT 18A, Rev. 34]

PART 520—CONSERVATION OF RAIL EQUIP- MENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

MIXED CARLOAD SHIPMENTS OF ONIONS AND IRISH POTATOES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.535 *Mixed carload shipments of onions and Irish potatoes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8329, 10616, 13320, 14172; 12 F. R. 1034, 2386), or in Items 495 and 500 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114) any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of a mixture of onions and Irish potatoes when the weight of the onions is not less than 15,000 pounds and the total weight of such carload freight is not less than 40,000 pounds.

This General Permit ODT 18A, Revised-34, shall become effective November 28, 1947, and shall expire January 31, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 25th day of November 1947.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 47-10340; Filed, Dec. 1, 1947; 8:47 a. m.]

[Gen. Permit ODT 18A, Rev. 35]

PART 520—CONSERVATION OF RAIL EQUIP- MENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF CERTIFIED SEED POTATOES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8939, as amended, Executive Order 9729, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.536 *Shipments of certified seed potatoes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8329, 10616, 13320, 14172; 12 F. R. 1034, 2386) or in Item 475 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114) any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of seed potatoes when such seed potatoes are properly tagged and certified by the official State seed certifying agency, and are loaded to a weight not less than 45,000 pounds.

Nothing in this General Permit ODT 18A, Revised—35, shall be construed as affecting the provisions of General Permit ODT 18A, Revised—33 (12 F. R. 7253), relating to shipments of "White Rose" seed potatoes.

This General Permit ODT 18A, Revised—35, shall become effective December 1, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 653, 60 Stat. 345, 61 Stat. 34, 321, 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 25th day of November 1947.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 47-10341; Filed, Dec. 1, 1947; 8:47 a. m.]

[Special Direction ODT 18A-2A, Amdt. 8]

PART 520—CONSERVATION OF RAIL EQUIP- MENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to § 500.73 of General Order ODT 18A, Revised, as amended (11 F. R.

8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386) Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114) is hereby further amended so that Items 475 and 485 relating to the loading of white (Irish) potatoes will read as follows:

475 (b) In bags, burlap or cloth; in boxes, or in sacks, paper; containing 100 pounds or more each; shall be loaded to a weight not less than 50,000 pounds, subject to Note 1, Item 485.

* * * * *

485. Note 1. Applications for the issuance of special permits which will specify minimum loading requirements for early white, immature potatoes, during season of harvesting; also for certain types of seed potatoes, may be made to the Railway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This Amendment 8 to Special Direction ODT 18A-2A shall become effective December 1, 1947.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, 50 U. S. C. App. Sup. 633,

645, 1152; E. O. 8989, Dec. 18, 1941, 8 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641)

Issued at Washington, D. C., this 25th day of November 1947.

ARTHUR H. GASS,
Director, Railway Transport
Department, Office of Defense
Transportation.

[F. R. Doc. 47-10539; Filed, Dec. 1, 1947;
8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket 383]

MARKET AGENCIES AT THE ST. LOUIS NATIONAL STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION

By orders dated February 28, 1933, November 5, 1936, and December 6, 1937, made pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.) maximum rates and charges for selling and buying livestock on commission by market agencies operating at the St. Louis National Stock Yards, National Stock Yards, Illinois, were prescribed. By supplemental orders entered from time to time, the last one of which was entered August 15, 1947 (6 A. D. 770) the three orders referred to have been suspended and the respondents have been permitted to assess and collect higher rates than the maximum prescribed in the three prior orders. The temporary rates and charges now in effect for respondents are due to expire September 17, 1948.

By petition filed November 13, 1947, the respondents seek to modify the rates and charges now in effect so as to permit them to publish and file with the Secretary a tariff making effective the following rates and charges:

SECTION A—DEFINITIONS

(1) A consignment, for the purpose of assessing selling charges; is all the livestock of one species—cattle, calves (or bulls weighing 900 lbs. or more) to be considered as separate species, belonging to one owner and delivered to one market agency to be offered for sale during the trading hours of one day.

(2) A consignment, for the purpose of assessing buying charges on a commission basis; is all the livestock of one species—cattle, calves (or bulls weighing 900 lbs. or more) to be considered as a separate species, bought by any one buying agency for any one principal from any one market agency or from any one dealer but shipped or delivered to one person on one market day.

(3) A weight draft, for the purpose of assessing extra service charges; is all those animals in one consignment weighed as a single sales or purchase classification.

(4) A person, is an individual, a partnership, a corporation, and/or association of any such acting as a unit.

(5) Cattle, are animals of the bovine species, weighed in drafts, wherein the average weight of the animals is more than 400 lbs.

(6) Calves, are animals of the bovine species, weighed in drafts, wherein the average weight of the animals is 400 lbs. or under.

(7) Bulls, are animals of the bovine species, weighed in drafts, wherein the average weight of the animals is 900 lbs. or more.

(8) Hogs, are all swine, irrespective of weight.

(9) Sheep, are animals of the ovine species, irrespective of weight, including goats.

(10) Resales: A resale consists of livestock purchased on this market, which, without having been removed from the market, is resold for the account of the purchaser, provided such purchaser is registered as a market agency or dealer with the Packers and Stockyard Division and is operating as such at the St. Louis National Stock Yards.

SECTION B—SELLING CHARGES

Cattle:	Per head
Consignments of one head and one head only.....	\$1.10
Consignments of more than one head:	
First 15 head in each consignment.....	.90
Each head over 15 in each consignment.....	.80
Calves:	
Consignments of one head and one head only.....	.60
Consignments of more than one head:	
First 5 head in each consignment.....	.50
Next 10 head in each consignment.....	.40
Each head over 15 in each consignment.....	.35
Bulls: Bulls, 900 lbs. and over.....	1.25
Hogs:	
Consignments of one head and one head only.....	.55
Consignments of more than one head:	
First 10 head in each consignment.....	.35
Next 15 head in each consignment.....	.28
Each head over 25 in each consignment.....	.23
Sheep:	
Consignments of one head and one head only.....	.50
Consignments of more than one head:	
First 10 head in each consignment.....	.82
Next 50 head in each consignment.....	.20
Next 60 head in each consignment.....	.10
Each head over 120 in each consignment.....	.05

The maximum charge on each separate straight single deck car of single ownership

shall not exceed \$18.00. The maximum charge on each separate double-deck car of single ownership shall not exceed \$24.00.

No commission charged on dead animals.

SECTION C—RESALES

	Per head
Cattle.....	\$0.80
Calves.....	.85
Hogs.....	.23
Sheep.....	.20

SECTION D—BUYING CHARGES

Cattle:	Per head
Consignments of one head and one head only.....	\$1.10
Consignments of more than one head:	
First 15 head in each consignment.....	.90
Each head over 15 in each consignment.....	.80
Maximum: ¹	
Rail.....	\$18 per car
Trucked-out or driven-out.....	\$18 for each 24,000 lbs. (plus 10¢ per cwt. for each 100 lb. over 24,000 lb.)
Calves (Stocker & Feeder)	Per head
Consignments of one head and one head only.....	\$0.60
Consignments of more than one head:	
First 5 head in each consignment.....	.50
Next 10 head in each consignment.....	.40
Each head over 15 in each consignment.....	.35
Maximum: ¹	
Rail.....	{ \$18 single deck, \$25 double deck.
Trucked-out or driven-out.....	\$18 for each 17,000 lb. (plus 10¢ per cwt. for each 100 lb. over 17,000 lb.).
Slaughter:	Per head
Consignments of one head and one head only.....	\$0.60
Consignments of more than one head:	
First 5 head in each consignment.....	.55
Next 10 head in each consignment.....	.45
Each head over 15 in each consignment.....	.40
Maximum: ¹	
Rail.....	{ \$30 single deck, \$45 double deck.
Trucked-out or driven-out.....	\$30 for each 17,000 lb. (plus 20¢ per cwt. for each 100 lb. over 17,000 lb.).
Bulls: Bulls, 900 lb. and over.....	Per head \$1.25
(Bulls under 900 lb., charge cattle rate)	
Maximum rates do not apply to bulls.	
Hogs:	Per head
Consignments of one head and one head only.....	\$0.55
Consignments of more than one head:	
First 10 head in each consignment.....	.35
Next 15 head in each consignment.....	.28
Each head over 25 in each consignment.....	.23

SECTION D—BUYING CHARGES

Maximum:¹

Rail	{ \$15 single deck. \$20 double deck.
Trucked-out or driven-out	\$15 for each 17,000 lb. (plus 10¢ per cwt. for each 100 lb. over 17,000 lb.).
Sheep:	Per head
Consignments of one head and one head only	\$.50
Consignments of more than one head:	
First 10 head in each consignment	.32
Next 50 head in each consignment	.20
Next 60 head in each consignment	.10
Each head over 120 in each consignment	.05

Maximum:¹

Rail	{ \$18 single deck. \$24 double deck.
Trucked-out or driven-out	\$18 for each 12,000 lb. (plus 10¢ per cwt. for each 100 lb. over 12,000 lb.).

¹The maximum charge shall not exceed the per head rate.

All purchases paid for by a commission merchant or by his shipping clearance, whether made by or for a speculator, feeder, farmer, or other person than a resident yard trader, shall be deemed a purchase and charged for at above rates. Purchaser to pay for all exchange charges and wires incident to credit arrangements.

SECTION E—EXTRA SERVICE CHARGES

a. The following extra service charges are applicable to each consignment (buying, selling and/or resale)

Each weight draft after one	\$0.10
Each additional check, each additional copy of account sales, each proceeds deposit or bank credit over one (1)	.05

The corresponding rates and charges now set forth in respondents' tariff on file with the Secretary are as follows:

SECTION A—DEFINITIONS

(1) A consignment, for the purpose of assessing selling charges; is all the livestock of one species (cattle and calves to be considered as of a different species) delivered in the name of one person to one market agency to be offered for sale during the trading hours of one day.

(2) A consignment, for the purpose of assessing buying charges; is all the livestock of one species (cattle and calves to be considered as of a different species) bought at any time but shipped or delivered to one person on one market day.

(3) A weight draft, for the purpose of assessing extra service charges, is all the animals of one species in one consignment sold in one lot to one purchaser or bought in one lot for one purchaser.

(4) A person, is an individual, a partnership, a corporation, and/or association of any such acting as a unit.

(5) Calves, are animals of the bovine species, weighed in drafts, the average weight of the animals in which is 400 pounds or under.

(6) Cattle, are animals of the bovine species, weighed in drafts, the average weight of the animals in which is more than 400 pounds.

(7) Bulls, are animals of the bovine species, weighed in drafts, the average weight of the animals in which is 900 lbs. or more.

(8) Hogs, are all swine, irrespective of weight.

(9) Sheep, are animals of the ovine species.

SECTION B—SELLING COMMISSIONS

Calves:	Per head
Consignments of one head and one head only	\$0.55

No. 234—3

SECTION D—SELLING COMMISSIONS

Calves—continued Per head

Consignments of more than one head:	
First 15 head in each consignment	\$.40
Each head over 15 in each consignment	.30
Consignments of one head and one head only	.85
Consignments of more than one head:	
First 15 head in each consignment	.40
Each head over 15 in each consignment	.70
Bulls, 900 lbs. and over	1.25
(Bulls under 900 lbs., charge cattle rate.)	
Hogs:	
Consignments of one head and one head only	.50
Consignments of more than one head:	
First 25 head in each consignment	.28
Each head over 25 in each consignment	.22
Sheep and goats:	
Consignments of one head and one head only	.50
Consignments of more than one head:	
First 10 head in each consignment	.28
Next 50 head in each consignment	.18
Next 60 head in each consignment	.03
Each head over 120 in each consignment	.05

The maximum charge on each separate straight single deck car of single ownership shall not exceed \$15.00. The maximum charge on each separate straight double deck car of single ownership shall not exceed \$21.00.

SECTION C—YARD SALES

Cattle: 70¢ per head with a maximum of \$18.00 up to and including each 27 head or fraction thereof.

Calves: 30¢ per head with a maximum of \$18.00 up to and including each 65 head or fraction thereof.

Hogs: 20¢ per head with a maximum of \$15.00 up to and including each 85 head or fraction thereof.

Sheep: 12¢ per head with a maximum of \$15.00 up to and including each 125 head or fraction thereof.

SECTION D—BUYING COMMISSIONS

Calves: Per head

Consignments of one head and one head only	\$.55
Consignments of more than one head:	
First 15 head in each consignment	.40
Each head over 15 in each consignment	.30
Maximum: ¹	
Rail	{ \$18 single deck. \$25 double deck.
Trucked-out or driven-out	\$18 for each 17,000 lbs. or fraction thereof.

Cattle: Per head

Consignments of one head and one head only	\$.85
Consignments of more than one head:	
First 15 head in each consignment	.80
Each head over 15 in each consignment	.70
Maximum: ¹	
Rail	\$18 per car.
Trucked-out or driven-out	\$18 for each 24,000 lbs. or fraction thereof.

SECTION D—BUYING COMMISSIONS—continued

Bulls: Bulls, 900 lbs. and over Per head

Hogs:	
Consignments of one head and one head only	.50
Consignments of more than one head:	
First 25 head in each consignment	.23
Each head over 25 in each consignment	.22
Maximum: ¹	
Rail	{ \$15 single deck. \$20 double deck.
Trucked-out or driven-out	\$15 for each 17,000 lb. or fraction thereof.

Sheep and Goats: Per head

Consignments of one head and one head only	\$.50
Consignments of more than one head:	
First 10 head in each consignment	.23
Next 50 head in each consignment	.18
Next 60 head in each consignment	.03
Each head over 120 in each consignment	.05
Maximum:	
Rail	{ \$15 single deck. \$21 double deck.
Trucked-out or driven-out	\$15 for each 12,000 lb. or fraction thereof.

Maximum:

Rail	{ \$15 single deck. \$21 double deck.
Trucked-out or driven-out	\$15 for each 12,000 lb. or fraction thereof.

¹The maximum charge shall not exceed the per head rate.

All purchases paid for by a commission merchant or by his shipping clearance, whether made by or for a speculator, feeder-farmer, or other person than a resident yard trader, shall be deemed a purchase and charged for at above rates. Purchaser to pay for all exchange charges and wires incident to credit arrangements.

SECTION E—EXTRA SERVICE CHARGES

The following extra service charges are applicable to each consignment (both buying and selling)

Each additional weight draft over 3 on account sales classification	\$0.25
(Maximum on one consignment shall be \$3.00)	
Each additional check, each additional copy of account sales, each proceeds deposit or bank credit over one	.05

It appears that public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for modification. All interested persons who desire to be heard upon the matters requested in said petition shall notify the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served upon the respondents by registered mail or in person.

Done at Washington, D. C., this 24th day of November 1947.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 47-10333; Filed, Dec. 1, 1947; 8:55 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 210]

COLORADO

RESTORATION ORDER NO. 1231 UNDER FEDERAL POWER ACT

NOVEMBER 19, 1947.

Pursuant to the determination of the Federal Power Commission (DA-262, Colorado) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R., 9080), it is ordered as follows:

The lands hereinafter described which were withdrawn for Power Site Reserve No. 124 by Executive Order of July 2, 1910, are hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat., 1063) as amended by the act of August 26, 1935 (49 Stat. 846; 16 U. S. C. 818).

At 10:00 a. m. on January 21, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from January 21, 1948, to April 19, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from January 2, 1948, to January 21, 1948, inclusive, such veterans and persons claiming preference rights, superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on January 21, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on April 20, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day

period from April 1, 1948, to April 20, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on April 20, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Denver, Colorado.

The lands affected by this order are described as follows:

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 90 W.,
Sec. 19, lots 7 and 12;
Sec. 20, lots 3, 4, and 6.

The areas described aggregate 123.97 acres. This land is very rough and mountainous, with a fair stand of timber and a dense brush ground cover.

- FRED W. JOHNSON,
Director

[F. R. Doc. 47-10536; Filed, Dec. 1, 1947;
8:46 a. m.]

[Misc. 1218080]

COLORADO

PARTIAL REVOCATION OF PUBLIC WATER RESERVE NO. 107

NOVEMBER 19, 1947.

Pursuant to the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865, 43 U. S. C. 300) and in accordance with 43 CFR 4.275 (50). (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566) it is ordered as follows:

The Departmental order of January 16, 1940 (Interpretation No. 280) construing certain lands as withdrawn by Executive Order of April 17, 1926, creating Public Water Reserve No. 107, under the act of June 25, 1910 (56 Stat. 847, 43 U. S. C. 141) is hereby revoked as to the lands hereinafter described.

At 10:00 a. m. on January 21, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from January 21, 1948 to April 19, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from January 2, 1948, to January 21, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on January 21, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on April 20, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from April 1, 1948, to April 20, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on April 20, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Pueblo, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be gov-

erned by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Pueblo, Colorado.

The lands affected by this order are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 39 N., R. 19 W., sec. 29, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 40 acres.

FRED W. JOHNSON,
Director.

[F. R. Doc. 47-10537; Filed, Dec. 1, 1947;
8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-155]

ACCIDENT OCCURRING AT ANNETTE ISLAND,
ALASKA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-88920 which occurred at Annette Island, Alaska, on October 26, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, December 3, 1947, at 9:30 a. m. (local time) in Court Room 185, 8th Floor, Seattle Courthouse, Seattle, Washington.

Dated at Washington, D. C., November 26, 1947.

[SEAL] R. W. CHRISP,
Presiding Officer

[F. R. Doc. 47-10615; Filed, Dec. 1, 1947;
8:48 a. m.]

[Docket No. SA-157]

ACCIDENT OCCURRING AT NEWCASTLE, DEL.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-86507 which occurred at Newcastle, Delaware, on November 18, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, December 3, 1947, at 9:30 a. m. (local time) in the Council Chamber, 3d Floor, 10th & King Streets, Wilmington, Delaware.

Dated at Washington, D. C., November 26, 1947.

[SEAL] RUSSELL A. POTTER,
Presiding Officer

[F. R. Doc. 47-10612; Filed, Dec. 1, 1947;
8:43 a. m.]

[Docket No. 2633]

CONTINENTAL AIR LINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Continental Air Lines, Inc., over its entire system of air mail routes; and of the statement of tentative findings and conclusions in regard thereto published by the Board November 7, 1947. (Serial No. E-982.)

Notice is hereby given that hearing in the above-entitled matter is assigned to be held December 3, 1947, at 10:00 o'clock a. m. (eastern standard time) in Room 1851, Department of Commerce Building, 14th and E Streets NW., Washington, D. C., before Examiner F. A. Law, Jr.

Dated at Washington, D. C., November 28, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-10619; Filed, Dec. 1, 1947;
8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8919]

KOOS, INC. (KOOS)

ORDER CONTINUING HEARING

In re application of KOOS, Inc. (KOOS), Coos Bay, Oregon, Docket No. 8049, File No. BP-5177, for construction permit.

The Commission having under consideration a petition filed November 19, 1947, by KOOS, Inc. (KOOS) Coos Bay, Oregon, requesting a 30-day continuance of the hearing on its above-entitled application for construction permit now scheduled to be heard by itself on November 20, 1947, at Washington, D. C.,

It is ordered, This 19th day of November 1947, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled application be, and it is hereby, continued to 10 a. m., Friday, December 19, 1947.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10533; Filed, Dec. 1, 1947;
8:50 a. m.]

[Docket Nos. 8634-8636]

NORTHERN VIRGINIA BROADCASTERS, INC.,
ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Northern Virginia Broadcasters, Inc., Arlington, Virginia, File No. RPH-1350, Docket No. 8634; Montgomery FM Broadcasting Corporation, Silver Spring, Maryland, File No. BMPH-610, Docket No. 8635; Potomac Broadcasting Corporation, Alexandria,

Virginia, File No. BMPH-701, Docket No. 8636; for Class B FM construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of November 1947;

The Commission having under consideration the above-entitled applications for construction permits for new Class B FM broadcast stations in the Washington, D. C. area; and

It appearing, that there is only one Class B FM channel available for assignment in the vicinity of Washington, D. C.,

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the above-entitled applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be specified by a subsequent order on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10535; Filed, Dec. 1, 1947;
8:50 a. m.]

[Docket Nos. 8304, 8305, 8637]

FLORENCE BROADCASTING CO., INC. (WJOI)
ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Florence Broadcasting Company, Incorporated (WJOI), Florence, Alabama, Docket No. 8304, file No. BP-5525; Evansville on the Air, Inc. (WGBF), Evansville, Indiana, Docket No. 8305, file No. BP-3844; for construction permits and WMRO, Incorporated (WMRO) Aurora, Illinois, Docket No. 8637, File No. BML-1276; for modification of license.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of November 1947;

The Commission having under consideration the above-entitled application of WMRO, Incorporated, to change its presently assigned facilities of station WMRO, Aurora, Illinois, from 1280 kc, 250 w, daytime only, to 1280 kc, 400 w, 250 w-LS, unlimited time;

It appearing, that the Commission on April 17, 1947, designated for hearing in a consolidated proceeding the applications of Florence Broadcasting Company, Incorporated (File No. BP-5525, Docket

No. 8304) requesting a construction permit to change the power and frequency of station WJOI, Florence, Alabama, from 1340 kc, 250 w, unlimited time, to 1280 kc, 1 kw, 5 kw-LS, DA-N, unlimited time, and of Evansville on the Air, Inc. (File No. BP-3844, Docket No. 8305), requesting a construction permit to change the power of station WGBF Evansville, Indiana, now operating on 1280 kc, 1 kw, 5 kw-LS, DA-N, unlimited time, to 1280 kc, 5 kw, using a directional antenna at night, unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of WMRO, Incorporated (WMRO) be, and it is hereby, designated for hearing in the above consolidated proceeding at the time and place heretofore designated by the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station WMRO as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WMRO as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WMRO as proposed would involve objectionable interference with station WTCN, Minneapolis, Minnesota, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WMRO as proposed would involve objectionable interference with the services proposed in the other pending applications involved in this consolidated proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WMRO as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, and particularly with regard to the assignment of a Class IV station on a regional channel.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Minnesota Broadcasting Corp., licensee of station WTCN, be, and it is hereby made a party to this proceeding;

It is further ordered, That the Commission's orders of April 17, 1947, be and they are hereby amended, to include the

above-entitled application of WMRO, Incorporated, and to include issue No. 7, as above stated.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-10584; Filed, Dec. 1, 1947;
8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-931]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed on August 5, 1947, by El Paso Natural Gas Company (applicant) a Delaware corporation with its principal place of business in El Paso, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain additional natural gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (as amended June 16, 1947) applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 3, 1947 (12 F. R. 5882)

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (as amended June 16, 1947) a hearing be held on December 16, 1947, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure (as amended June 16, 1947)

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: November 25, 1947.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10549; Filed, Dec. 1, 1947;
8:54 a. m.]

[Docket No. IT-5829]

ARKANSAS POWER & LIGHT CO.

ORDER POSTPONING HEARING

Upon consideration of the petition filed October 6, 1947, by Arkansas Power & Light Company (hereinafter "Company") for a transfer to Little Rock or Pine Bluff, Arkansas, of the hearing heretofore set to commence December 1, 1947, in the Hearing Room of the Federal Power Commission, 18th and Pennsylvania Avenue, NW., Washington, D. C., and of the informal request of the Company for postponement of that hearing;

The Commission finds that: It is appropriate to carry out the provisions of the Federal Power Act that the order of August 15, 1947, setting the hearing be amended as hereinafter provided; and The Commission orders that:

A. Paragraph (A) of said order of August 15, 1947, be, and the same hereby is amended to read as follows:

(A) A public hearing be held commencing on February 3, 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 18th and Pennsylvania Avenue, NW., Washington, D. C., respecting the matters involved and the issue arising out of the proceedings in this matter;

B. A new paragraph (E) be added to said order of August 15, 1947, reading as follows:

E. The fixing of the place of hearing prescribed in paragraph (A) of this order, as amended, shall be without prejudice to the right of the Company to make application to the presiding Trial Examiner, before the completion of its case in chief at the hearing, for adjournment of the hearing to Little Rock, Arkansas, for the limited purpose of taking the testimony of principal executives and officers of the Company whose presence in Arkansas during the giving of their testimony is necessary for the operation of the Company.

Date of issuance: November 25, 1947.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-10550; Filed, Dec. 1, 1947;
8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 358]

RECONSIGNMENT OF TOMATOES AT
PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., November 21, 1947, by H. Rothstein & Son, of car PFE 73558, tomatoes, now on the PRR, to New York City.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of November 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-10556; Filed, Dec. 1, 1947;
8:55 a. m.]

[S. O. 396, Special Permit 359]

RECONSIGNMENT OF ONIONS AT CHICAGO,
ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, November 24, 1947, by Atlantic Commission Company, of car BREX-74647 onions, now on the CNW Wood Street, to Atlanta, Georgia.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of November 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10557; Filed, Dec. 1, 1947;
8:55 a. m.]

[S. O. 790, Special Directive 10, Corr.]

BALTIMORE AND OHIO RAILROAD CO. TO
FURNISH CARS FOR RAILROAD COAL SUP-
PLY

On November 18, 1947, The Washington Terminal Company certified that they have on that date in storage and in cars a total supply of 4 days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Serv-

ice Order No. 790, The Baltimore and Ohio Railroad Company is directed:

(1) To furnish daily to the mines listed below cars for the loading of The Washington Terminal Company fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal:

	Cars
Consolidation Nos. 119 and 120.....	5
Jerome	3
Ponfeigh 1 and 2.....	1

(2) That such cars furnished in excess of the mines' distributive share for the day will not be counted against said mines.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for The Washington Terminal Railroad fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mines for the preceding week under the authority of this directive and to indicate with respect to each mine how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Baltimore and Ohio Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

* Issued at Washington, D. C., this 19th day of November 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10558; Filed, Dec. 1, 1947;
8:55 a. m.]

[S. O. 790, Special Directive 17]

PENNSYLVANIA RAILROAD CO. TO FURNISH
CARS FOR RAILROAD COAL SUPPLY

On November 20, 1947, The New York, Ontario and Western Railway Company (Raymond L. Gebhardt and Ferdinand J. Sieghardt, Trustees) certified that they have on that date in storage and in cars a total supply of 10 days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Pennsylvania Railroad Company is directed:

(1) To furnish daily to the mines listed below cars for the loading of New York, Ontario and Western Railway Company (Raymond L. Gebhardt and Ferdinand J. Sieghardt, Trustees) coal in the number specified from its total available supply of cars suitable for the transportation of coal: Moon Run #2, 3 cars and Taylor #2, 1 car.

(2) That such cars furnished in excess of the mines' distributive share for the day will not be counted against said mines.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for The New York, Ontario and Western Railway Company (Raymond L. Gebhardt and Ferdinand J. Sieghardt, Trustees) fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mines for the preceding week under the authority of this directive and to indicate with respect to each mine how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Pennsylvania Railroad Company (Raymond L. Gebhardt and Ferdinand J. Sieghardt, Trustees) and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 21st day of November, A. D. 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-10559; Filed, Dec. 1, 1947;
8:55 a. m.]

[S. O. 790, Special Directive 18]

BALTIMORE AND OHIO RAILROAD CO. TO
FURNISH CARS FOR RAILROAD COAL
SUPPLY

By letter dated November 18, 1947, The Cuyahoga Valley Railway Company has certified that it has on that date in storage and in cars a total of one day's supply of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Baltimore and Ohio Railroad Company is directed:

(1) To furnish daily to The Baltimore and Ohio Railroad Company Blaine mine one car for the loading of Cuyahoga Valley Railway Company fuel coal from its total available supply of cars suitable for the transportation of coal.

(2) That such car furnished in excess of the mine's distributive share for the day will not be counted against said mine.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for The Cuyahoga Valley Railway Company fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mine for the preceding week under the authority of this directive and how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Baltimore and Ohio

PROPOSED RULE MAKING

Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 21st day of November 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10560; Filed, Dec. 1, 1947;
8:55 a. m.]

[S. O. 790; Special Directive 19]

WHEELING AND LAKE ERIE RAILWAY CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

By letter dated November 18, 1947, The Cuyahoga Valley Railway Company has certified that it has on that date in storage and in cars a total of one day's supply of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Wheeling and Lake Erie Railway Company is directed:

(1) To furnish daily to The Cuyahoga Valley Railway Company Nelmsmine one car for the loading of Wheeling and Lake Erie Railway Company fuel coal from its total available supply of cars suitable for the transportation of coal.

(2) That such car furnished in excess of the mine's distributive share for the day will not be counted against said mine.

(3) That it shall not accept billing on cars furnished for loading under the provisions of this directive unless billed for The Cuyahoga Valley Railway Company fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mine for the preceding week under the authority of this directive and to indicate how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Wheeling and Lake Erie Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 21st day of November A. D. 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10561; Filed, Dec. 1, 1947;
8:56 a. m.]

[S. O. 790, Special Directive 20]

BALTIMORE AND OHIO RAILROAD CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

On November 21, 1947, the Lehigh and New England Railroad Company, certified that they have on that date in storage and in cars a total supply of 12 days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Baltimore and Ohio Railroad Company is directed:

(1) To furnish daily to the mines listed below cars for the loading of Lehigh and New England Railroad fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal:

Name of mine:	Daily No. fuel cars required
Chieftain-----	2
Donna-----	
Katherine-----	1
Ashcraft-----	
Penn Nos. 1 & 2-----	3
Keely No. 1-----	
Burke-----	1
Elk Hill-----	
Henshaw-----	1

(2) That such car furnished in excess of the mine's distributive share for the day will not be counted against said mine.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for the Lehigh and New England Railroad fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mines for the preceding week under the authority of this directive and to indicate with respect to each mine how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Baltimore and Ohio Railroad Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 21st day of November A. D. 1947.

HOMER C. KING,
Director
Bureau of Service.

[F. R. Doc. 47-10562; Filed, Dec. 1, 1947;
8:56 a. m.]

[S. O. 790, Special Directive 21]

MONONGAHELA RAILROAD CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

On November 21, 1947, the Lehigh and New England Railroad Company certified that they have on that date in stor-

age and in cars a total supply of 12 days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Monongahela Railroad Company is directed:

(1) To furnish daily to the Federal #3 mine one car for the loading of Lehigh and New England Railroad fuel coal from its total available supply of cars suitable for the transportation of coal.

(2) That such car furnished in excess of the mine's distributive share for the day will not be counted against said mine.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for Lehigh and New England Railroad fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mines for the preceding week under the authority of this directive and to indicate with respect to each mine how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Monongahela Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 21st day of November A. D. 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-10563; Filed, Dec. 1, 1947;
8:56 a. m.]

[S. O. 790, Special Directive 22]

TENNESSEE CENTRAL RAILWAY CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

On November 24, 1947, the Georgia and Florida Railroad (W. V. Griffin, H. W. Purvis and Victor Markwalter, Receivers) certified that they have on that date in storage and in cars a total supply of 8 days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, the Tennessee Central Railway Company is directed:

(1) To furnish daily to the mines listed below cars for the loading of the Georgia and Florida Railroad (W. V. Griffin, H. W. Purvis and Victor Markwalter, Re-

ceivers) fuel coal in the number specified from its total available supply of cars suitable for the transportation of coal: Fentress Coal and Coke Company, Wilder, Tenn. 1 car and Highland Junction and Lane, Crawford, Tenn. 1 car.

(2) That such cars furnished in excess of the mines' distributive share for the day will not be counted against said mines.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for the Georgia and Florida Railroad (W. V. Griffin, H. W. Purvis and Victor Markwalter, Receivers) fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mines for the preceding week under the authority of this directive and to indicate with respect to each mine how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon the Tennessee Central Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 24th day of November A. D. 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-10564; Filed, Dec. 1, 1947; 8:56 a. m.]

[S. O. 790, Special Directive 23]

INTERSTATE RAILWAY CO. TO FURNISH CARS FOR RAILROAD COAL SUPPLY

On November 24, 1947, the Georgia and Florida Railroad (W. V. Griffin, H. W. Purvis and Victor Markwalter, Receivers) certified that they have on that date in storage and in cars a total supply of 8 days of fuel coal, and that it is immediately essential that this company increase its coal supply from certain enumerated mines.

The certified statements have been verified and found to be correct.

Therefore, pursuant to the authority vested in me by paragraph (b) of Service Order No. 790, The Interstate Railway Company is directed:

(1) To furnish daily to the Stonega Virginia Producing Company mine three cars for the loading of the Georgia and Florida Railroad (W. V. Griffin, H. W. Purvis and Victor Markwalter, Receivers) fuel coal from its total available supply of cars suitable for the transportation of coal.

(2) That such cars furnished in excess of the mine's distributive share for the day will not be counted against said mine.

(3) That it shall not accept billing of cars furnished for loading under the provisions of this directive unless billed for the Georgia and Florida Railroad (W. V. Griffin, H. W. Purvis and Victor Markwalter, Receivers) fuel coal supply.

(4) To furnish this Bureau, as soon as may be practicable after the end of each week, information showing the total number of cars furnished to said mine for the preceding week under the authority of this directive and how many such cars were in excess of the daily distributive share of car supply of such mine.

A copy of this special directive shall be served upon The Interstate Railway Company and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 24th day of November A. D. 1947.

HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 47-10565; Filed, Dec. 1, 1947; 8:58 a. m.]

NATIONAL SECURITY RESOURCES BOARD

DELEGATION OF AUTHORITY TO CHAIRMAN

Resolution adopted by the National Security Resources Board authorizing the Chairman of the Board to exercise certain functions of the Board.

Pursuant to the provisions of the National Security Act of 1947 (Pub. Law 253, 80th Cong., approved July 26, 1947), and Executive Order 9805 signed November 13, 1947 (12 F. R. 7613), the following resolution was adopted by the National Security Resources Board at its meeting on November 13, 1947: Be it resolved, by the members of the National Security Resources Board, that the Chairman of the Board is hereby authorized to exercise the functions of the Board as set forth in paragraph three of Executive Order 9805 of November 13, 1947.

NATIONAL SECURITY RESOURCES BOARD,
G. LYLE BELSLEY,
Secretary.

[F. R. Doc. 47-10561; Filed, Dec. 1, 1947; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1015]

INTERNATIONAL PAPER CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 24th day of November A. D. 1947.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the common stock, \$15.00 par value, of International Paper Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to December 24, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-10547; Filed, Dec. 1, 1947; 8:54 a. m.]

[File No. 7-1016]

CURTIS PUBLISHING CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 25th day of November A. D. 1947.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the common stock, no par value, of The Curtis Publishing Company, a security listed and registered on the New York Stock Exchange and Philadelphia Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to December 26, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

cial file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-10544; Filed, Dec. 1, 1947;
8:48 a. m.]

[File No. 7-1017]

AMERICAN ROLLING MILL CO.

APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 25th day of November A. D. 1947.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the common stock, \$10.00 par value, of The American Rolling Mill Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to December 26, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-10543; Filed, Dec. 1, 1947;
8:48 a. m.]

[File No. 70-1651]

SOUTHERN NATURAL GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 25th day of November A. D. 1947.

Southern Natural Gas Company ("Southern"), a registered holding company and a subsidiary of Federal Water and Gas Corporation, also a registered holding company, having filed an application and amendments thereto, pursuant to section 10 of the Public Utility Holding Company Act of 1935, with respect to the following transactions:

Southern proposes to purchase from time to time, prior to December 31, 1948, any or all of a maximum of 26,937 shares of common stock, par value \$2.00 per share, of Birmingham Gas Company, representing all of such stock presently outstanding in the hands of the public. Of the 273,057 shares of common stock of Birmingham Gas Company presently issued and outstanding, Southern owns 246,119.13 shares, or approximately 90.13%. Southern states that such purchases are to be made through brokers in the open market at prices current at the time of purchase, or, in cases where stock is offered for sale by the holders thereof, direct from such stockholders at prices approximately equal to quotations in the over-the-counter market at the time of purchase. Applicant further states that the proposed purchases of additional common stock of Birmingham Gas Company are desirable in order to eliminate the small minority interest presently outstanding, which, in turn, among other things, will facilitate the contemplated merger or consolidation of Birmingham Gas Company with Alabama Gas Company, another utility subsidiary company of Southern.

Said application having been filed on October 13, 1947, and amendments thereto having been filed on November 10 and 21, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicant having requested that the Commission's order granting the application be issued as promptly as possible, and that such order become effective forthwith; and the Commission deeming it appropriate to grant such requests; and

The Commission finding with respect to said application, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interests of investors and consumers that said application, as amended, be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 47-10545; Filed, Dec. 1, 1947;
8:54 a. m.]

[File No. 70-1654]

UNION ELECTRIC CO. OF MISSOURI AND
UNION ELECTRIC POWER CO.

ORDER GRANTING JOINT APPLICATION AND PERMITTING JOINT DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its

office in the city of Philadelphia, Pa., on the 24th day of November 1947.

Union Electric Company of Missouri ("Union of Missouri"), a registered holding company and a public utility company and a subsidiary of The North American Company, also a registered holding company, and Union Electric Power Company ("Union Power") a public utility subsidiary of Union of Missouri, having filed a joint application-declaration pursuant to sections 6 (b), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 promulgated thereunder, with respect to the following transactions:

Union Power proposes to issue and sell and Union of Missouri proposes to buy, from time to time, 250,000 additional shares of common stock, par value \$20 per share, of Union Power for the purpose of financing the construction program of Union Power. The aggregate amount to be paid by Union of Missouri for this additional common stock of Union Power will be \$5,000,000. All such additional common stock of Union Power will be pledged by Union of Missouri with the Trustee under Union of Missouri's Mortgage and Deed of Trust securing its first mortgage and collateral trust bonds under which there is presently pledged all the issued and outstanding capital stock of Union Power. The applicants-declarants state that Union Power is prohibited by the terms of Union of Missouri's Mortgage and Deed of Trust from selling any securities except to Union of Missouri and therefore the proposals herein are designed to provide for Union Power's construction program pending public financing by Union of Missouri.

The Illinois Commerce Commission has authorized the issue and sale by Union Power of said 250,000 additional shares of common stock, par value \$20 per share and the Public Service Commission of the State of Missouri has authorized Union of Missouri to acquire, from time to time, said 250,000 additional shares of common stock of Union Power.

Said joint application-declaration having been filed on October 20, 1947, and the Commission having given notice of said filing in the form and manner prescribed by Rule U-23 promulgated under said act, and an amendment thereto having been filed on November 13, 1947, and the Commission not having received a request for a hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicants-declarants having requested that the Commission's order herein become effective before December 1, 1947, and the Commission deeming it appropriate to grant such request; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint applica-

tion-declaration, as amended, be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10542; Filed, Dec. 1, 1947;
8:48 a. m.]

[File No. 70-1667]

ELECTRIC POWER & LIGHT CORP. AND NEW
ORLEANS PUBLIC SERVICE, INC.

ORDER GRANTING APPLICATION AND PERMIT-
TING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 21st day of November A. D. 1947.

Electric Power & Light Corporation ("Electric") a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and Electric's subsidiary, New Orleans Public Service, Inc. ("New Orleans") having filed a joint application and declaration and amendment thereto pursuant to sections 6 (b) 7, 9 (a) 10, 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 of the rules and regulations promulgated thereunder with respect to the following transactions:

New Orleans proposes to issue and sell 199,642 shares of its common stock without nominal or par value at \$25.00 per share, which is the amount at which New Orleans carries its presently outstanding common stock on its books. New Orleans proposes to offer such common stock, in the ratio of .265 shares for each share held, on a pro-rata basis to the holders of its common stock of record as of a date to be determined by the company's Board of Directors. Subscription warrants, expiring approximately 20 days after their issuance date, will be issued to all present holders of New Orleans common stock. Rights evidenced by subscription warrants may be assigned by the holder thereof through a broker, or otherwise, but may not be assigned or sold to any dealer who takes the rights for the purpose of exercise and resale of the stock certificates obtainable by the exercise of such rights. Warrants in respect of fractions of a share will be issued, but subscriptions will be accepted only for warrants aggregating one or more full shares of stock. New Orleans proposes to appoint the transfer agent for its common stock the transfer agent for the subscription warrants. Such transfer agent will be instructed by the company to exercise his best efforts on behalf of holders of fractional subscription warrants and at the request of such holders to dispose of such fractional warrants or acquire additional fractional warrants in order to enable such holders to obtain sufficient warrants to subscribe for full shares, such

service to be performed by the transfer agent at the expense of New Orleans.

New Orleans states that it believes that the common stock proposed to be issued and sold is exempt from registration under the Securities Act of 1933 pursuant to Rule 220 adopted by the Commission under said act, by virtue of the fact that the aggregate offering price to the approximately 299 holders of its outstanding common stock, other than Electric, is less than \$300,000. It is further stated that this exemption limitation might be exceeded without the limitation on transferability to dealers, as described above, and that the above limitation on transferability has been provided to guard against this possibility.

All warrants which shall not have been exercised on or prior to the date of determination of the rights offering will expire, and all rights to subscribe to shares evidenced by such warrants will thereupon terminate.

Electric, as the holder of 716,737 shares (95.1%) of New Orleans' outstanding common stock proposes to purchase, pursuant to the above offer, 189,935 shares, the number of full shares to which it will be entitled pursuant to the rights offering.

New Orleans states that the proceeds from the sale of the common stock proposed to be issued will be used for the construction of additions and betterments to its property and for general corporate purposes.

The application-declaration states that the proposed issuance and sale of New Orleans common stock as above described has been expressly authorized by the Commission Council of the City of New Orleans, the only regulatory agency created pursuant to State law which has jurisdiction over the transaction.

The application-declaration having been filed on October 31, 1947, and an amendment thereto having been filed on November 6, 1947, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, as amended, within the period specified or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that, under the above-described circumstances, the limitation on transferability of the warrants requires no adverse findings and that in other respects no adverse findings are necessary under the act with respect to the proposed transactions; and the Commission finding with respect to the application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, without prejudice, however, to any action the Commission may take with respect to the Electric holding company system under section 11 (b) of the act; and the Commission deeming it appropriate that the said application-declaration, as amended, be granted and permitted to become effective and deeming it appropriate to grant the request of applicants-declarants that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 47-10546; Filed, Dec. 1, 1947;
8:54 a. m.]

[File No. 812-512]

AMERICAN GENERAL CORP. ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 25th day of November A. D. 1947.

In the matter of American General Corporation, Industrial Insurance Company, Hawkeye Casualty Company, Security Fire Insurance Company, The Hamilton Fire Insurance Company, Industrial Agency, Inc., and Industrial Broker, Inc., File No. 812-512.

Notice is hereby given that Industrial Agency, Inc. and Industrial Broker, Inc. have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (e) (1) of the act an agency arrangement whereby the applicants will receive commissions ranging from 15% to 35% of net premiums in connection with sale of insurance policies written by Industrial Insurance Company, Hawkeye Casualty Company, Security Fire Insurance Company, and The Hamilton Fire Insurance Company. All of the foregoing six companies are affiliated persons of American General Corporation, a registered investment company.

All interested persons are referred to said application which is on file at the Philadelphia, Pennsylvania offices of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after December 15, 1947, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 12, 1947, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact

or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-10548; Filed, Dec. 1, 1947;
8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10120]

ASIA MOHI CO., LTD.

In re: Debts owing to Asia Mohi Co., Ltd.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Asia Mohi Co., Ltd., the last known address of which is Kobe, Japan, is a corporation organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan)

2. That the property described as follows: Those certain debts or other obligations of James Garofalo, New York, New York, in the aggregate amount of \$1,932.95, evidenced by two certain promissory notes in the principal sums of \$1,107.95 and \$1,000, dated October 19, 1939, issued by said James Garofalo and presently in the custody of the Superintendent of Banks of the State of New York, as Liquidator of the Business and Property in New York, of The Bank of Chosen, 80 Spring Street, New York, New York, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all accruals thereto, together with any and all rights in, to and under, including particularly but not limited to the rights to possession and presentation for collection and payment of the aforesaid notes,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10569; Filed, Dec. 1, 1947;
8:48 a. m.]

[Vesting Order 10122]

REINHOLD BRESIN

In re: Stock owned by Reinhold Bresin. F-28-28159-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Reinhold Bresin, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: Fifty (50) shares of \$1 par value common capital stock of Hupp Motor Car Corporation, now known as Hupp Corporation, 3641 Milwaukee Avenue, East Detroit, Michigan, a corporation organized under the laws of the State of Virginia, evidenced by certificate number NO 8281, registered in the name of Reinhold Bresin and presently in the custody of Federal Reserve Bank of New York, 33 Liberty Street, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10570; Filed, Dec. 1, 1947;
8:48 a. m.]

[Dissolution Order 68]

DOMESTIC FUEL CORP.

Whereas, by Vesting Order Number 512, dated December 14, 1942 (8 F. R. 1154, January 26, 1943) there were vested 375 of the 500 issued and outstanding shares of the capital stock of Domestic Fuel Corporation, a New York corporation; and

Whereas, on September 25, 1946, the remaining 125 shares of the issued and outstanding capital stock of Domestic Fuel Corporation were assigned to the Alien Property Custodian as a liquidating dividend by Holland-American Trading Corporation, a New York corporation, all of the issued and outstanding capital stock of which was vested by Vesting Order Number 261, dated October 28, 1942 (7 F. R. 10627, December 19, 1942), and

Whereas, by the aforementioned Vesting Order Number 512 there were also vested all right, title and interest of N. V. Handels-en-Transport Maatschappij "Vulcan" and Franz, Haniel & Cie G. m. b. H., and each of them, in and to all indebtedness owed to them by Domestic Fuel Corporation, and it has been ascertained that there were thereby vested an account payable to N. V. Handels-en-Transport Maatschappij "Vulcan" in the amount of \$576,539.14, and an account payable to Franz, Haniel & Cie G. m. b. H. in the amount of \$625,327.19; and

Whereas, by an assignment dated April 25, 1947, there was assigned to the Attorney General of the United States as a liquidating dividend an account payable by Domestic Fuel Corporation to Riberena Fuel and Chartering Co., Inc., a New York corporation, all of the issued and outstanding capital stock of which was vested by Vesting Order Number 477, dated December 11, 1942 (8 F. R. 4937, April 16, 1943) in the amount of \$1,052.21, and

Whereas, Domestic Fuel Corporation has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of known creditors have been paid, except such claim, if any, as the Attorney General of the United States may have for money advanced or services rendered to or on behalf of the corporation; and except the claims formerly owned by N. V. Handels-en-Transport Maatschappij "Vulcan" and Franz, Haniel & Cie G. m. b. H. in

the amounts of \$576,539.14 and \$625,327.19, respectively, and which were vested as aforesaid; and except the claim formerly owned by Riberena Fuel & Chartering Co., Inc. in the amount of \$1,052.21, which was assigned to the Attorney General as a liquidating dividend as aforesaid; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of New York;

hereby orders, that the officers and directors of Domestic Fuel Corporation (to wit, Angelo Dispenzere, President and Director, Martin S. Watts, Secretary and Director, Stanley B. Reid, Treasurer and Director, Francis J. Carmody, Robert Kramer and Henry S. Sellin, Directors, and their successors, or any of them) continue the proceedings for the dissolution of domestic Fuel Corporation; and further orders, that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof of coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State, and local taxes and fees owed by or accruing against the said corporation; and

(c) They shall then pay over, transfer, assign and deliver to the Attorney General of the United States all of the funds and property, if any, remaining in their hands after the payments as aforesaid, the same to be applied, first, in satisfaction of the above-mentioned claims which he has acquired against the corporation, namely, the claim formerly owned by Franz, Hamel & Cie G. m. b. H. in the amount of \$625,327.19, the claim formerly owned by N. V. Handels-en-Transport Maatschappij "Vulcan" in the amount of \$576,539.14, and the claim formerly owned by Riberena Fuel & Chartering Company, Inc. in the amount of \$1,052.21, second, in satisfaction of such claim, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation, and third, as a liquidating distribution of assets to the Attorney General of the United States as holder of all the issued and outstanding stock of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading with the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person; *Provided further*, That any such claim against said corporation shall be filed with or presented to the

Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Domestic Fuel Corporation pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 25th day of November 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10574; Filed, Dec. 1, 1947;
8:48 a. m.]

MARTHA LOEB BONATZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Martha Loeb Bonatz, Chicago, Ill., 7139; \$2,675.15 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Martha Loeb Bonatz in and to the Trust under the Will of Sidney Loeb, deceased; Trustee, Central Hanover Bank & Trust Co., Fifth Avenue, at 60th Street, New York, N. Y.

Executed at Washington, D. C., on November 25, 1947.

Claimant and claim No.	Notice of intention to return published	Property
Alexander P. Gwiazdowski and Agnes Gwiazdowski, natural guardians of Barbara Gwiazdowski, Angola, Ind., Claim No. 6519.	12 F. R. 4562, July 15, 1947.	Property described in Vesting Order No. 4624 (9 F. R. 15781, Nov. 17, 1944) relating to the literary work "Economics of Tool Engineering" (listed in Exhibit A of said vesting order) to the extent owned by the claimant immediately prior to the vesting thereof, including royalties pertaining thereto in the amount of \$215.25.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on November 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10575; Filed, Dec. 1, 1947;
8:48 a. m.]

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10576; Filed, Dec. 1, 1947;
8:49 a. m.]

LOUIS MARX AND Co., Inc.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Louis Marx & Company, Inc., New York, N. Y., 5331; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 2,039,947.

Executed at Washington, D. C., on November 25, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-10577; Filed, Dec. 1, 1947;
8:49 a. m.]

[Return Order 55]

ALEXANDER P. AND AGNES GWIAZDOWSKI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith;

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

[Vesting Order 10035]

WILLIAM H. VEERHOFF

In re: Trust u/w William H. Veerhoff, deceased. File D-23-11544; E. T. sec. 15753.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Sophie Veerhoff Schwabendissen, whose last known ad-

dress is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust under the will of William H. Veerhoff, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Otto L. Veerhoff, as Surviving Trustee, acting under the judicial supervision of the U. S. District Court for the District of Columbia;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10532; Filed, Nov. 28, 1947;
8:50 a. m.]

[Vesting Order 10117]

Fritz Acker

In re: Stock and bank account owned by Fritz Acker. F-28-9099-A-1, F-28-9099-D-1, F-28-9099-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Acker, whose last known address is Bav, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. Thirty-four (34) shares of \$25 par value common capital stock of Pacific Gas and Electric Company, 245 Market Street, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by certificate number F 180654, registered in the name of Fritz Acker and presently in the custody of Anglo California National Bank of San Francisco, 1 Sansome Street, San Francisco, California, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of Anglo California National Bank of San Francisco, 1 Sansome Street, San Francisco, California, arising out of a savings account, Account Number 499, entitled William S. Loeb or Jane Loeb Trust Acct. Fritz Acker—beneficiary, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Fritz Acker, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10533; Filed, Nov. 28, 1947;
8:50 a. m.]

[Vesting Order 10118]

ALTE LEIPZIGER LEBENSVERSICHERUNGS-
GESELLSCHAFT

In re: Bonds owned by Alte Leipziger Lebensversicherungs-Gesellschaft, F-28-4322-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alte Leipziger Lebensversicherungs-Gesellschaft, the last known address of which is Leipzig, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany),

2. That the property described as follows: Fifteen (15) certificates of deposit for St. Louis-San Francisco Railway Company Consolidated Mortgage 4½% Bonds due March 1, 1978, said certificates numbered AM 13661/75, and presently in the custody of the Swiss American Corporation, 30 Pine Street, New York 5, New York in an account entitled Handelstrust West N. V., Amsterdam, Holland, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 47-10534; Filed, Nov. 28, 1947;
8:51 a. m.]